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LEGISLATIVE HISTORY

Public Law 86-767

H. R. 12383

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INDEX AND SUMMARY OF H. R. 12383

May 25, 1960	Rep. Wier introduced H. R. 12383 which was referred to the House Education and Labor Committee. Print of bill as introduced.
May 26, 1960	House committee voted to report H. R. 12383.
June 2, 1960	House committee reported H. R. 12383 without amendment. House Report 1743. Print of bill and report.
June 21, 1960	Rules committee granted resolution for consideration of H. R. 12383.
June 25, 1960	Rules committee reported resolution for consideration of H. R. 12383. H. Res. 572, H. Rept. 1992. Print of resolution and report.
June 29, 1960.	House passed H. R. 12383 with amendments.
June 30, 1960	H. R. 12383 referred to Senate Labor and Public Welfare Committee. Print of bill as referred.
Aug. 27, 1960	Senate committee reported H. R. 12383 without amendments. Print of bill and report. S. Rept. 1924.
Aug. 31, 1960	Senate passed H. R. 12383 without amendment.
Sept. 13, 1960	Approved: P. L. 86-767.

DIGEST OF PUBLIC LAW 86-767

FEDERAL EMPLOYEES' COMPENSATION ACT AMENDMENTS OF 1960. Amends the Federal Employees' Compensation Act so as to make the compensation benefits paid to Federal employees and their dependents more realistic in terms of present wage rates. Increases by 30 percent of the wage base used to compute the amount of compensation for disability or death occurring before January 1, 1946; increases the wage base by 20 percent for disability or death occurring between Dec. 31, 1945 and Jan. 1, 1951; and increase the wage base by 10 percent for disability or death occurring between Jan. 1, 1951 and Jan. 1, 1958. Increases the minimum amount of compensation for total disability from $112.50 to $180 per month, except for certain cases. Increases the minimum wage base to be used in determining the amount of compensation to be paid in death cases from $150 to $240 per month. Increases the amount available for burial expenses to the beneficiaries of an employee hose death resulted from an injury sustained in the performance of his duties from $400 to $800. Authorizes payment of compensation for disability under the Act in addition to benefits under the Civil Service Retirement Act. Extends the time period for giving notice of injury and filing claim for compensation in cases of latent disability. Requires Federal agencies to include in their annual budget estimates a request for funds to repay the employees' compensation fund for the costs of benefits paid during the preceding fiscal year on account of the injury or death of employees under the jurisdiction of each such agency.

H. R. 12383

86TH CONGRESS
2D SESSION

H. R. 12383

IN THE HOUSE OF REPRESENTATIVES

MAY 25, 1960

Mr. WIER introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To amend the Federal Employees' Compensation Act to make benefits more realistic in terms of present wage rates, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Employees' Compensation Act Amendments of 1960".

TITLE I—SUBSTANTIVE AMENDMENTS

Increase in Minimum Compensation for Total Disability, Attendants, Allowance, Maintenance While Undergoing Vocational Rehabilitation

SEC. 101. Section 6 of the Federal Employees' Compensation Act is amended by striking out "$75" in para-

graph (1) of subsection (b) and inserting in lieu thereof "$125"; by striking out "$50" in paragraph (2) of subsection (b) and inserting in lieu thereof "$100"; by striking out "$112.50" in subsection (c) and inserting in lieu thereof "$180".

Increase in Death Benefits

SEC. 102. Section 10(K) of the Federal Employees' Compensation Act is amended by striking out "$150" and inserting in lieu thereof "$240".

Increase in Burial Payments

SEC. 103. Section 11 of the Federal Employees' Compensation Act is amended by striking out "$400" and inserting in lieu thereof "$800".

Increase of Compensation Base Where Injury Occurred Before January 1, 1958

SEC. 104. Notwithstanding any other provision of this Act or the Federal Employees' Compensation Act, the monthly pay upon the basis of which compensation for disability or death is computed under the Federal Employees' Compensation Act shall be increased as follows: If such employee's injury (or injury causing death) occurred before January 1, 1958, but after December 31, 1950, such eligible employee's "monthly pay" shall be increased by 10 percent; if such employee's injury (or injury causing death) occurred before January 1, 1951, but after December 31,

1945, such eligible employee's "monthly pay" shall be increased by 20 percent; if such employee's injury (or injury causing death) occurred before January 1, 1946, such eligible employee's "monthly pay" shall be increased by 30 percent: *Provided*, That nothing in this or any other Act of Congress shall be construed to make the increase in the monthly pay provided by this section applicable to military personnel, or to any person or employee not within the definition of section 40(b) (1) or (2) of the Federal Employees' Compensation Act: *Provided further*, That this section shall not be construed to permit the amount of compensation on account of an employee's disability or death to be increased more than 10 percent if such injury (or injury causing death) occurred before January 1, 1958, but after December 31, 1950, nor more than 20 percent if such injury (or injury causing death) occurred before January 1, 1951, but after December 31, 1945, nor more than 30 percent if such injury (or injury causing death) occurred prior to January 1, 1946.

Liberalization of Minimum and Maximum Compensation for Emergency Relief Workers

SEC. 105. The second proviso of the first section of the Act approved February 15, 1934 (5 U.S.C. 796) is amended by striking out "$100" in clause (a) and inserting

in lieu thereof "$150"; and by striking out "$75" in clause (b) and inserting in lieu thereof "$150".

TITLE II—TECHNICAL AMENDMENTS

Clarification of Scheduled Awards

SEC. 201. The first sentence of section 5(a) of the Federal Employees' Compensation Act is amended by inserting after "body," the following: "regardless of whether the cause of such disability originates in a part of the body other than such member,".

Eligibility For or Receipt of Benefits Earned Under Civil Service Retirement Act Not To Preclude Payment of Compensation for Scheduled Losses, Election by Claimants Eligible to Receive Veterans' Benefits for Same Disability or Death

SEC. 202. Section 7(a) of the Federal Employees' Compensation Act is amended to read as follows:

"SEC. 7. (a) That as long as the employee is in receipt of compensation under this Act, or, if he has been paid a lump sum in commutation of installment payments, until the expiration of the period during which such installment payments would have continued, he shall not receive from the United States any salary, pay, or remuneration whatsoever except in return for services actually performed, and except pensions for service in the Army or Navy of the United States: *Provided*, That eligibility for or receipt of

benefits under the Civil Service Retirement Act shall in no way impair the employee's right to receive compensation for scheduled disabilities specified in section 5(a) of this Act: *Provided further*, That whenever any person is entitled to receive any benefits under this Act by reason of his injury, or by reason of the death of an employee, as defined in section 40, and is also entitled to receive from the United States any payments or benefits (other than the proceeds of any insurance policy), by reason of such injury or death under any other Act of Congress, because of service by him (or in the case of death, by the deceased) as an employee, as so defined, or because of service by him (or in the case of death, by the deceased) in the Armed Forces of the United States, such person shall elect which benefits he shall receive. Such election shall be made within one year after the injury or death, or such further time as the Administrator may for good cause allow, and when made shall be irrevocable unless otherwise provided by law."

Medical Care to Claimants Receiving Civil Service Annuity

SEC. 203. The first sentence of section 9(a) of the Federal Employees' Compensation Act is amended by inserting after "arisen," the following: "and notwithstanding that the employee has accepted or is entitled to receive benefits under the Civil Service Retirement Act,".

Considerations in Computation of Wage-Earning Capacity

SEC. 204. Section 13 (b) of the Federal Employees' Compensation Act is amended by striking out all that follows "his usual employment," and inserting in lieu of such matter stricken out the following: "his age, his qualifications for other employment, the availability of suitable employment, and any other factors or circumstances in the case which may affect his capacity to earn wages in his disabled condition."

Notice of Injury and Claim for Compensation in Cases of Latent Disability

SEC. 205. Section 20 of the Federal Employees' Compensation Act is amended by inserting immediately after the first sentence thereof the following: "In cases of latent disability due to radiation or other causes, the time for filing claim shall not begin to run until the employee has a compensable disability and is aware, or by the exercise of reasonable diligence should have been aware of the causal relationship of the compensable disability to his employment: *Provided,* That the time for giving notice of injury in such cases shall begin to run as soon as the employee is aware, or in the exercise of reasonable diligence should have been aware, that his condition is causally related to his employment, regardless of whether or not there is a compensable disability."

Report of Injuries

SEC. 206. Section 24 of the Federal Employees' Compensation Act is amended by inserting "(a)" after "SEC. 24." and by adding at the end thereof the following:

"(b) Whoever, being an officer or employee of the United States charged with the responsibility for making the reports specified in subsection (a), willfully fails, neglects, or refuses to make any such report or knowingly files a false report, or induces, compels, or directs an injured employee to forgo filing of any claim for compensation or other benefits provided under this Act or any extension or application thereof, or willfully retains any notice, report, claim, or paper which is required to be filed under this Act or any extension or application thereof, or regulations promulgated thereunder shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than $500 or imprisoned not more than one year, or both."

Government Employees Required To Appear as Parties or Witnesses in the Prosecution of Third-Party Claims

SEC. 207. The first paragraph of section 26 of the Federal Employees' Compensation Act is amended by adding at the end thereof the following: "Any employee who is required to appear as a party or witness in the prosecution of said action is, while so engaged, in an active duty status."

Additional Method for Computing Compensation in Certain Cases

SEC. 208. Section 40(f) of the Federal Employees' Compensation Act is amended to read as follows:

"(f) The term 'monthly pay' shall be taken to refer to the monthly pay at the time of the injury, or the monthly pay at the time disability begins, or the monthly pay at the time compensable disability recurs, if such recurrence begins more than six months after the injured employee resumes regular full-time employment with the United States, whichever is greater, except when otherwise determined under section 6(d) with respect to any period."

Reimbursement of Compensation Costs by Federal Agencies

SEC. 209. Section 35 of the Federal Employees' Compensation Act is amended to read as follows:

"Employees' Compensation Fund

"SEC. 35. (a) There is established in the Treasury a separate fund to be known as the Employees' Compensation Fund which shall consist of such sums as Congress may from time to time appropriate therefor or transfer thereto and amounts otherwise accruing thereto under this or any other Act of Congress. Such fund including all additions that may be made to it shall be available without time limit for the payment of the compensation and other benefits and expenses (except administrative expenses) authorized by this Act or

any extension or application thereof except as may be provided by this or other Acts. The Secretary of the Treasury shall submit annually to the Bureau of the Budget estimates of appropriations necessary for the maintenance of the Employees' Compensation Fund.

"(b) The Secretary of the Treasury shall, prior to August 15 of each year, furnish to each executive department and each agency or instrumentality of the United States or other establishment, having employees who are or may be entitled to compensation benefits under this Act or any extension or application thereof (hereinafter called 'agency'), a statement showing the total cost of benefits and other payments made from the Employees' Compensation Fund during the preceding fiscal year on account of the injury or death of employees or persons under the jurisdiction of such agency occurring after July 1, 1960. Each agency shall include in its annual budget estimates for the next fiscal year a request for an appropriation in an amount equal to such costs. Sums appropriated pursuant to such request shall, within thirty days after they become available, be deposited in the Treasury to the credit of the Employees' Compensation Fund. In the case of any corporation or other agency which is not dependent upon an annual appropriation, the deposit to the credit of the Employees' Compensation Fund required by this subsection shall be made by such

agency from funds under its control. If any agency or part thereof or any of its functions is transferred to another agency, the cost of compensation benefits and other expenses paid from the Employees' Compensation Fund on account of the injury or death of employees of the transferred agency or function shall be included in costs of the receiving agency.

"(c) In addition to the contributions for the maintenance of the Employees' Compensation Fund required by this section, any mixed ownership corporation as defined in section 201 of the Government Corporation Control Act (31 U.S.C. 856), or any corporation or agency (or activity thereof) which is required by law to submit an annual budget pursuant to, or as provided by, the Government Corporation Control Act (31 U.S.C. 841–869), shall pay an additional amount for its fair share of the cost of administration of this Act as determined by the Secretary of Labor. With respect to said agencies, the charges billed by the Secretary of Labor pursuant to this section shall include an additional amount for such costs, which shall be paid into the Treasury as miscellaneous receipts from the sources authorized, and in the manner otherwise provided in this section."

Effective Date

SEC. 210. (a) Except as otherwise provided by this section or in this Act, titles I and II of this Act shall take

effect on the date of enactment of this Act and be applicable to any injury or death occurring after such date.

(b) The amendments made by sections 101, 102, 201, 203, 204, and 208 of this Act to sections 5(a), 6(b)(1), 6(b)(2), 6(c), 9(a), 10(k), 13(b), and 40(f) of the Federal Employees' Compensation Act shall be applicable to cases of injury or death occurring before the date of enactment of this Act only with respect to any period beginning on or after the first day of the first calendar month following the date of enactment of this Act.

(c) The amendments made by sections 104 and 105 of this Act shall be applicable to cases of injury or death occurring before enactment of this Act only with respect to any period beginning on or after the first day of the first calendar month following the date of enactment of this Act.

(d) The amendment made by section 202 of this Act to section 7(a) of the Federal Employees' Compensation Act permitting the payment of compensation for scheduled permanent disabilities in addition to benefits under the Civil Service Retirement Act shall be applicable to any injury which occurred within three years prior to the date of enactment of this Act as well as to any injury occurring on or after the date of enactment of this Act.

(e) The amendment made by section 202 of this Act to section 7(a) of the Federal Employees' Compensation Act

requiring an election of benefits in any case in which a claimant for compensation is also eligible to receive certain payments or benefits from the United States for the same disability or death shall be applicable to any injury or death occurring before, on, or after the date of enactment of this Act but shall not deprive any person of any benefits awarded prior to the date of enactment of this Act.

86TH CONGRESS
2D SESSION

H. R. 12383

A BILL

To amend the Federal Employees' Compensation Act to make benefits more realistic in terms of present wage rates, and for other purposes.

By Mr. WIER

MAY 25, 1960

Referred to the Committee on Education and Labor

H. R. 1236

A BILL

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE

(For Department Staff Only)

Issued May 27, 1960
For actions of May 26, 1960
86th-2d, No. 96

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HIGHLIGHTS: House committee voted to report bill to extend minimum national quota for extra long staple cotton. Senate voted to recommit Navy oleomargarine bill to committee. Senate passed bill to establish commission to study problems in rural counties. House received conference report on Treasury-Post Office appropriation bill. Rep. Judd inroduced and discussed bill to revise method of making certain payments under grain storage agreements. House received supplemental appropriation estimate for FAS foreign market development.

HOUSE

1. APPROPRIATIONS. Received from the President a supplemental estimate to implement the program and promote the growth of United States export trade, as set forth in his March 17, 1960 message to Congress. The estimate includes $500,000 for the Foreign Agricultural Service, for agricultural market development and trade promotion activities in foreign countries and necessary support in the U. S. Of this amount, $330,000 would be a direct appropriation and $170,000 would be derived by transfer from funds appropriated by Section 32 of the Act of August 24, 1935 ("Removal of Surplus Agricultural Commodities"). The estimate also includes items for other Departments (H. Doc. 400). pp. 10519-20

2. TREASURY-POST OFFICE APPROPRIATION BILL, 1961. Received the conference report on this bill, H. R. 10569 (H. Rept. 1665). pp. 10518-9, 10520

3. COTTON; ACREAGE ALLOTMENT; FRUITS. The Agriculture Committee voted to report (but did not actually report) the following bills: p. D470

H. R. 12115, to extend the minimum national marketing quota for extra long staple cotton to the 1961 crop;

H. R. 11646, with amendment, to amend the act authorizing the Secretary of Agriculture to collect and publish statistics of the grade and staple length of cotton, by defining certain offenses in connection with the sampling of cotton for classification and providing a penalty provision;

H. R. 11049, to treat all basic agricultural commodities alike with respect to the cost of remeasuring acreage (the "Daily Digest" states that this bill was amended, with instructions to the chairman to introduce a clean bill);

H. R. 12341, with amendment, relating to the extention of the existing restrictions on imported commodities to lemons, oranges, figs, dates, and walnuts.

4. PUBLIC BUILDINGS. Received the approval of the Public Works Committee on the prospectus for several public buildings. p. 10498

5. PERSONNEL. The Education and Labor Committee voted to report (but did not actually report) H. R. 12383, to amend the Federal Employees' Compensation Act to make benefits more realistic in terms of present wage rates. p. D470

6. WILDLIFE; RESEARCH. The Merchant Marine and Fisheries Committee voted to report (but did not actually report) H. R. 11502 (amended and a clean bill is to be introduced), to provide for advance consultation with the Fish and Wildlife Service and with State wildlife agencies before the beginning of any Federal program involving the use of pesticides or other chemicals designed for mass biological controls, and S. 1781, to provide for cooperative unit programs of research, education, and demonstration in fish and wildlife management between the Federal Government and U. S. colleges and universities, the several States and Territories, and private organizations. p. D471

7. MUTUAL SECURITY. Rep. Conte criticized Rep. Bassman's recent statements calling for large cuts in this nation's foreign aid programs, calling them untimely in light of recent international developments. pp. 10515-7

SENATE

8. OLEOMARGARINE. Debated S. 2168, to amend the Navy ration statute so as to permit the serving of oleomargarine or margarine (pp. 10344, 10346, 10348-9, 10358-63, 10388). By a vote of 48 to 32, agreed to an amendment by Sen. Proxmire to provide that no oleomargarine or margarine shall be acquired for use by the Navy unless the Secretary of Agriculture certifies that no purchases of milk or dairy products have been or are intended to be made for supporting the price of milk or butterfat, and that acquisition of oleomargarine or margarine will not cause or contribute to a surplus of milk or dairy products, but provided that limited supplies of oleomargarine or margarine may be acquired for use in special operations where the use of butter would be impractical, and provided that this amendment shall not be construed as prohibiting the disposition of any unused stocks of oleomargarine or margarine by any means other than by serving as a component of the Navy ration (pp. 10344, 10346, 10348-9, 10358-63). Agreed to a motion by Sen. Thurmond to recommit the bill to the Armed Services Committee (p. 10388).

9. RURAL AREAS. Passed with amendment S. 3140, to provide for the establishment of a Commission on Problems of Small Towns and Rural Counties. pp. 10388-9

June 2, 1960

HOUSE

16. FORESTRY. Passed with amendments H. R. 10572, to authorize and direct that the national forests be managed under principles of multipe use and to produce a sustained yield of products and services (pp. 10856-79). Earlier a Rules Committee resolution for the consideration of this bill was agreed to (pp. 10853-5).

Agreed to the following amendments:

By Rep. Hoffman, Mich., setting out the States rights in jurisdiction over fish and wildlife on national forests (pp. 10875-6).

By Rep. Cooley exempting mineral resources and lands not within national forests from provisions of the bill (pp. 10876-7).

By Rep. Cooley making the establishment and maintenance of wilderness areas consistent with the provisions of the act (p. 10877).

By Rep. Cooley defining the terms "multiple use" and "sustained yield of the several products and services" (pp. 10877-9).

17. FARM LOANS. Passed with amendments H. R. 11761, to simplify, consolidate, and improve the authority of the Secretary of Agriculture with respect to Farmers Home Administration loans to farmers and ranchers (pp. 10879-91). Earlier a Rules Committee resolution for the consideration of this bill was agreed to (pp. 10855-6). Agreed to an amendment by Rep. Cooley defining, for the purposes of the bill, the term "farm" (p. 10890), and an amendment by Rep. Cooley limiting to 6% per annum the maximum interest rate that can be charged on insured loans (p. 10890).

18. FARM LABOR. The Rules Committee reported a resolution for the consideration of H. R. 12176, to extend the Mexican farm labor program until June 30, 1963. pp. 10907, 10930

19. INDUSTRIAL USES. Conferees were appointed on S. 690, the industrial uses research bill to create an Agricultural Research and Development Commission. Senate conferees have already been appointed. p. 10907

20. SMALL BUSINESS. The Banking and Currency Committee reported with amendment H. R. 11207, to amend the Small Business Act so as to authorize additional loans to small businesses (H. Rept. 1738). p. 10929

21. DEFENSE PRODUCTION. The Banking and Currency Committee reported without amendment H. R. 12052, to extend the Defense Production Act of 1950, as amended, for an additional two years (H. Rept. 1739). p. 10930

22. PERSONNEL. The Education and Labor Committee reported without amendment H. R. 12383, to amend the Federal Employees' Compensation Act to make benefits more realistic in terms of present wage rates (H. Rept. 1743). p. 10930

23. FOREIGN AFFAIRS. The Banking and Currency Committee voted to report (but did not actually report) H. R. 11001, to provide for the participation of the U. S. in the International Development Association. p. D494

24. PROPERTY; EXTENSION WORK. The Donable Property Subcommittee of the Government Operations Committee voted to report to the full committee the following bills: (p. D495)

H. R. 9600, to authorize and direct the transfer of certain personal property to State and county agencies engaged in cooperative agricultural extension work;

H. R. 11394, to amend the Federal Property and Administrative Services Act of 1949 so as to permit donations of surplus property to certain educational institutions.

H. R. 11437, to amend the Federal Property and Administrative Services Act of 1949 so as to permit the donation of foreign excess property to medical institutions, hospitals, clinics, health centers, schools, colleges, and universities.

H. R. 11499, to amend the Federal Property and Administrative Services Act of 1949, as amended, so as to authorize the use of surplus personal property by State distribution agencies.

25. HEALTH; CHEMICAL ADDITIVES. The Interstate and Foreign Commerce Committee voted to report (but did not actually report) the following bills: (p. D495)

H. R. 6871, to provide for the extension of traineeship under the Public Health Training Act.

H. R. 7624, to amend the Federal Food, Drug, and Cosmetic Act so as to authorize the use of suitable color additives in or on foods, drugs, and cosmetics in accordance with regulations prescribing the conditions (including maximum tolerances) under which such additives may be safely used.

S. 1283, to regulate the interstate distribution and sale of packages of hazardous substances intended or suitable for household use.

26. WATERSHEDS. The Watershed Development Subcommittee of the Public Works Committee approved watershed projects in Upper Verdigris watershed, Kan., Reelfoot Indian Creek watershed, Tenn. and Ky., and Olmitos and Garcias Creeks watershed, Tex. pp. D495-6

27. INFORMATION; LIBRARIES. The Rules Committee denied granting a rule on H. R. 12125, to amend the Library Services Act in order to extend for 5 years the authorization for appropriations. p. D496

28. LANDS; MINERALS. The Rules Committee denied granting a rule on H. R. 8860, to stabilize the mining of domestic producers of lead and zinc on public, Indian, and other lands. p. D496

ITEMS IN APPENDIX

29. PERSONNEL. Extension of remarks of Rep. Halpern expressing his support of legislation to increase salaries of Federal employees. p. A4687

30. FAS. Extension of remarks of Rep. Natcher congratulating the Foreign Agricultural Service and stating that "the Department of Agriculture is to be commended upon the outstanding work being carried on" by this Service. p. A4689

31. FARM PRODUCTS. Sen. Fulbright commended and inserted an article, "Farm Product Processing: Some New Directions." pp. A4694-6

32. FARM LABOR. Rep. Rogers discussed a visit to Florida by the Senate Subcommittee on Migratory Labor which included field trips to farms and workers' camps, and inserted several articles in support of legislation to improve migratory worker housing. pp. A4709-10

33. FARM PROGRAM. Rep. Kyl inserted a constituent's letter which states that "we need a farm program to give the farmer cost of production plus a reasonable profit, whatever it is -- whether it be subsidy, crop controls, two-price system, or what have you." p. A4713

86TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
2d Session } { No. 1743

FEDERAL EMPLOYEES' COMPENSATION ACT AMENDMENTS OF 1960

JUNE 2, 1960.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. BARDEN, from the Committee on Education and Labor, submitted the following

REPORT

[To accompany H.R. 12383]

The Committee on Education and Labor, to whom was referred the bill (H.R. 12383) to amend the Federal Employees' Compensation Act to make benefits more realistic in terms of present wage rates, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE LEGISLATION

The primary purpose of H.R. 12383 is to correct inequities that exist with respect to benefits paid to employees of the Federal Government, other than military personnel, who are injured in the performance of their duties and the dependents of those who died as a result of such injuries. The Federal Employees' Compensation Act has not been amended since 1949, and, as a result, the compensation paid to employees who were injured prior to 1946 is much less than the compensation for disability or death computed on the basis of present day Federal pay scales. At the same time the rise in the cost of living has created a further inequity.

Under the Federal Employees' Compensation Act the amount of compensation paid for disability and death is computed on the basis of the monthly pay received by an injured employee at the time of injury. As a result, compensation payments to beneficiaries on account of injuries sustained in prior years fail to reflect the sharp rise in pay and living costs in recent years and are substantially less than benefits paid on present wage levels. Approximately 50 percent of the 8,200 cases of permanent or long-continuing disability and more than 76 percent of the 5,000 death cases in which benefits are presently

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being paid occurred prior to 1951. In nearly 16 percent of these cases the injury occurred prior to World War II and in 26 percent of these cases the injury occurred during the war years 1941–45.

To deal equitably with employees and their dependents whose wage base (i.e., the monthly pay at the time of injury) is geared to an old rate of pay, it is necessary to provide specifically for them. The amendments to the Federal Employees' Compensation Act enacted in 1949 dealt with this problem by increasing the wage base by 40 percent, if the injury occurred before January 1, 1941, or by 10 percent if the injury occurred on or after that date but before July 1, 1946. However, the substantial increase in rates of pay since 1946 and the rise in living costs since that time make a further increase in the wage base necessary to provide equitable treatment for employees injured in prior years and their dependents.

MAJOR PROVISIONS OF THE BILL

H.R. 12383 increases by 30 percent the wage base used to compute the amount of compensation for disability or death if the injury for which the compensation is payable occurred before January 1, 1946; increases the wage base by 20 percent if the injury occurred after December 31, 1945, but prior to January 1, 1951; and increases the wage base by 10 percent if the injury occurred after December 31, 1950, but before January 1, 1958.

It also increases the minimum amount of compensation for total disability from $112.50 to $180 per month except in cases where the monthly pay of the injured employee is less than $180, in which event—as under the act at the present time—the compensation for total disability would be equal to the full monthly pay of the injured employee.

The bill also increases (1) the minimum wage base to be used in determining the amount of compensation to be paid in death cases from $150 to $240, (2) the amount available for burial expenses to the beneficiaries of an employee whose death resulted from an injury sustained in the performance of his duties from $400 to $800, (3) the maximum amount allowable for the services of an attendant in those cases where the employee is so helpless as to require such constant service from $75 to $125, and (4) the maximum allowance payable for the maintenance of an employee who is undergoing rehabilitation pursuant to the direction of the Bureau of Employees' Compensation from $50 to $100.

In addition the bill increases the benefits being paid in approximately 1,100 fatal and 200 total disability cases which arose out of various Federal emergency relief programs in operation between 1934 and 1942. The benefits presently being paid in these cases, which are governed by the provisions of the act of February 15, 1934, are pitifully small. The beneficiaries in the fatal cases, who are almost exclusively widows, most of whom are well advanced in years, now receive on an average of $30 per month, and the compensation rate in many of the total disability cases is less than $100 per month. The bill authorizes a minimum compensation rate of $100 per month for the total disability cases and compensation at the rate of $52.50 per month for widows.

The bill contains a number of technical amendments and refinements to facilitate and make more equitable the administration of the act. Principal among these are amendments (1) authorizing payment of compensation for scheduled disability in addition to benefits under the Civil Service Retirement Act, (2) requiring election of benefits in any case where the claimant for compensation also is eligible to receive certain payments or benefits from the United States for the same disability or death, (3) authorizing medical care to those employees who after sustaining compensable injuries are required to make an election and elect to receive their retirement annuity, (4) providing an additional method for computing the amount of compensation in certain cases of disability and recurring disability, (5) extending the time period for giving notice of injury and filing claim for compensation in cases of latent disability and, (6) assuring Government employees required to appear as parties or witnesses in the prosecution of third-party cases that they will be treated as in active duty status while so engaged.

The bill also includes a provision designed to further the promotion of safety in the various Federal agencies and establishments by requiring all Federal agencies to include in their annual budget estimates a request for funds to repay the employees' compensation fund for the costs of benefits paid during the preceding fiscal year on account of the injury or death of employees under the jurisdiction of each such agency.

The cost of this bill is estimated to be $4 million per year.

H.R. 12383 has the approval of the Department of Labor and was reported by the Committee on Education and Labor by a unanimous vote.

SECTION BY SECTION ANALYSIS

Section 1 of the bill provides a short title for the legislation, the "Federal Employees' Compensation Act Amendments of 1960."

Section 101: This section amends (1) section 6(b)(1) of the Federal Employees' Compensation Act to increase the maximum allowance for the service of an attendant from $75 to $125 per month, (2) section 6(b)(2) of the act to increase from $50 to $100 per month the maximum allowance payable for the maintenance of a disabled employee undergoing vocational rehabilitation at the direction of the Bureau, and (3) section 6(c) of the act to increase the minimum amount of compensation in cases of total disability from $112.50 to $180.

There are few cases in which an injured person is so helpless as to require the constant service of an attendant. However, where this need does exist, the present allowance of $75 is wholly inadequate.

The existing maximum allowance payable for the maintenance of a disabled employee undergoing vocational rehabilitation at the direction of the Bureau is inadequate. The proposed new maximum is approximately the same as the maintenance allowance authorized under the Longshoremen's and Harbor Workers' Compensation Act.

The increase in the minimum compensation rate for cases of total disability is applicable, as are the other amendments to the Federal Employees' Compensation Act contained in this section, to cases already on the rolls as well as prospectively. The effect of this provision will be to assure a minimum compensation rate of $180 in total

disability cases in which the monthly pay of the injured employee (including adjustments in the monthly pay in old cases made by this act and the Federal Employees' Compensation Act Amendments of 1949) is equal to at least $180. If the monthly pay of the totally disabled employee is less than $180, the rate of compensation, as under the act at present, will be equal to his full monthly pay.

Section 102: This section will increase the minimum wage base to be used in determining the amount of compensation to be paid in death cases from $150 to $240.

Section 103: This section increases the maximum allowance for burial expenses from $400 to $800. The present maximum allowance for burial expenses is wholly inadequate and in many cases the family of the deceased employee is required to bear the expense of a major part of the cost of a modest burial.

Section 104: This section increases the monthly pay upon the basis of which compensation for disability or death is computed under the Federal Employees' Compensation Act, as amended, for every employee as defined in section 40(b) (1) or (2) of the act by 10 percent if the injury for which compensation is payable occurred before January 1, 1958, but after December 31, 1950; by 20 percent if it occurred before January 1, 1951, but after December 31, 1945; and by 30 percent if it occurred before January 1, 1946. The section explicitly provides that nothing in this or any other act of Congress shall be construed to make the increase in the monthly pay provided by this section applicable to military personnel, or any person or employee not within the definition of section 40(b) (1) or (2) of the Federal Employees' Compensation Act. The section also explicitly provides that the increase in the monthly pay authorized is applicable only with respect to any period beginning on or after the first date of the first calendar month following the enactment of this act and shall not be construed to permit the amount of compensation paid on account of an employee's disability or death to be increased more than 10 percent if the injury for which compensation is payable occurred before January 1, 1958, but after December 31, 1950; by 20 percent if it occurred before January 1, 1951, but after December 31, 1945; and by 30 percent if it occurred before January 1, 1946.

The increase in the wage base authorized by this section will be applied to all cases on the rolls to which this section is applicable before the increase in the minimum wage base for computing death benefits authorized by section 102 of this act and the increase in the minimum compensation rate in total disability cases authorized by section 101 of this act is applied.

Section 105: This section will increase the benefits now being paid under the provisions of the act of February 15, 1934, in approximately 1,100 fatal and 200 total disability cases which arose out of various Federal emergency relief programs in operation between 1934 and 1942.

The increase in benefits would be accomplished by raising the monthly pay on the basis of which compensation for disability or death is computed in these cases from $75 to $150. This will result in a minimum compensation rate of $100 per month for the permanent total disability cases, the great majority of which presently receive considerably less than that amount, and compensation at the rate of $52.50 for the widows in death cases who presently receive an average of $30 per month.

Title II—Technical amendments

Section 201: This section amends section 5 of the Federal Employees' Compensation Act to make clear that compensation shall be paid for a scheduled loss even though the loss results from an injury to a part of the body other than the member where the loss occurred.

Section 202: This section amends section 7 of the Federal Employees' Compensation Act to permit the payment of compensation for scheduled permanent disability specified in subsection 5(a) of the act in addition to benefits under the Civil Service Retirement Act. It present such compensation and benefits under the Civil Service Retirement Act may not be paid for the same period of time.

At present an employee who suffers an injury which entitles him to a scheduled award may receive the compensation provided by the Federal Employees' Compensation Act for that injury although he returns to full-time duty without any loss in pay. It is inequitable to force an employee who is eligible to and elects to retire after sustaining such an injury to forego the compensation provided by the Federal Employees' Compensation Act for the scheduled loss.

In addition, this section amends the Federal Employees' Compensation Act to require an election of benefits in any case in which a claimant for compensation is eligible to receive any payment for benefits from the United States by reason of the same disability or death. A small number of cases have occurred in which the Bureau has found that the disability or death of an employee has resulted from an injury sustained in civilian employment by the United States and the Veterans' Administration has held that the same disability or death was caused by military service. As a result, the United States has paid compensation twice for the same disability or death. This amendment is intended to prevent payment of dual benefits in such cases in the future.

Section 203: This section amends the Federal Employees' Compensation Act to permit the furnishing of medical care under the act to an employee who after sustaining a compensable injury elects to receive a civil service retirement annuity for which he is eligible. The present prohibition against payment of compensation and retirement benefits for the same period of time precludes the furnishing of medical care in such cases unless the beneficiary elects to receive compensation benefits in lieu of the annuity for the period he is under medical care.

Section 204: This section amends section 13(b) of the Federal Employees' Compensation Act to require that when determining the wage earning capacity of an injured employee who is partially disabled and has no actual earnings, or whose actual earnings do not fairly and reasonably represent his wage-earning capacity the Director shall consider the injured employee's age, his qualifications for other employment and the availability of suitable employment as well as any other factors or circumstances in the case which may affect the injured employee's capacity to earn wages in his disabled condition.

Section 205: This section would amend the Federal Employees' Compensation Act to make clear that the statutory period within which an employee is required to file a claim for compensation in cases of latent disability does not begin to run until the employee has a compensable disability and is aware, or by the exercise of reasonable

diligence should have been aware of the causal relationship of the compensable disability and his employment.

One of the major problems affecting the payment of compensation in cases of latent disability is the statutory requirement regarding the time within which the employee must file a claim for benefits. An employee may not know that he is suffering from a radiation disease, for example, for many years after the date of exposure. Even after he becomes aware of the existence of some such injury, it may be years before he becomes unable to continue his work, and under a disability for which he is entitled to receive compensation. Yet, his failure to file a claim may, because of the statutory requirements regarding the time within which a claim must be filed, defeat his right to compensation after the disability arises.

To protect employees in such cases, it is necessary that the statutory period after which a claim is barred not begin to run until the date the employee suffers disability and knew, or by the exercise of reasonable diligence should have known, of its existence and its causal relationship to his employment.

However, even when there is no disability upon which to base a claim for compensation, notice of the injury should be given by the employee as soon as he knows of its existence, so that the first opportunity to investigate the potential claim is not lost. For this reason, the statutory requirement of notice of injury established by this section for cases of latent or undiscovered disability is not conditioned upon the existence of any disability. It applies as soon as the employee is aware or in the exercise of reasonable diligence should have been aware that his condition is causally related to his employment, regardless of whether or not there is a compensable disability.

Section 206: This section would make it a misdemeanor, punishable by a fine of not more than $500 or imprisonment for not more than 1 year, or both, for an officer or employee of the United States, charged with responsibility for making reports of injuries, to willfully fail or neglect to make such a report, or to induce an employee to forego filing a claim, or to willfully retain any notice required to be filed under the Federal Employees' Compensation Act.

Section 207: This section would insure that Government employees will be treated as in an active duty status when they must appear as parties or witnesses in third-party cases which the Government has required to be prosecuted by, and in the name of an injured employee.

Existing law does not make clear the authority of a Government agency to carry an employee who is a party or witness to such a proceeding in an active duty status while he is attending court proceedings. Existing statutory provisions concerning the status of Government employees required to appear in legal proceedings deal only with those employees summoned to appear as a witness on behalf of the United States and the District of Columbia in actions to which the United States or the District is a party. By Executive order provision is made for court leave for certain Government employees who are absent from duty and in attendance in court as a witness in behalf of the United States or the Government of the District, or who are called for jury duty in any State court or court of the United States. Decisions of the Comptroller General have held that a Government employee required to appear in private litigation—

> may be regarded as in a duty and pay status during the period of his necessary absence * * * where the value of the witness testifying in private litigation arises from his official capacity and he is subpenaed solely because of and to testify in that capacity or to produce official records.

It appears that existing legislation and precedents are not helpful in third-party negligence cases since they are brought in the name of the injured employee and so are private litigation in which the Government employees appearing as parties and witnesses are not testifying as to matters arising from any official capacity.

In such third-party cases, therefore, Government employees have been charged with annual leave or placed on leave without pay, while so engaged. This situation has caused great resentment in employees obligated to appear as parties and witnesses in such lawsuits. Since the Government requires the action to be prosecuted in the name of the injured employee although it is in many cases the principal beneficiary of the action, employees obligated to appear should not be required to do so on their own time and at their own expense.

Section 208: This section provides an additional method for computing the amount of compensation in certain cases of disability and recurring disability. It would make the "monthly pay" upon the basis of which compensation under the Federal Employees' Compensation Act is computed the greater of the injured employee's monthly pay at the time of the injury, his monthly pay at the time disability begins, or his monthly pay at the time disability recurs, if such recurrence begins more than 6 months after the injured employee resumes regular full-time employment with the United States.

Section 209: This section would require all Federal agencies to include in their annual budget estimates a request for funds to repay the employees' compensation fund for the cost of benefits paid during the preceding fiscal year on account of the injury or death of employees under the jurisdiction of each such agency. The Secretary of Labor would be required to furnish to each executive department and each agency or instrumentality of the United States having employees who are or may be entitled to compensation benefits under the Federal Employees' Compensation Act a statement showing the total cost of benefits and other payments made from the employees' compensation fund during the preceding fiscal year on account of the injury or death of employees or persons under the jurisdiction of the agency. The provision would make an additional charge against corporations and agencies subject to the Government Corporation Control Act for their fair share of the cost of administering the Federal Employees' Compensation Act.

This provision would bring to the attention of the heads of each agency the cost of compensation for injuries to employees under his jurisdiction and require him to justify such expenditure to the Bureau of the Budget and to Congress.

Section 210: This section provides for the dates upon which various provisions of the bill would become effective and is, in most part, self-explanatory.

The bill does not retroactively grant any benefits for any past periods of disability nor are death benefits retroactively increased. All changes in benefit payments would be made prospectively. Where increased benefits are provided cases already on the rolls, the new benefit provisions would apply to old cases only with respect to any period beginning on or after the first date of the first calendar month following the enactment of this act.

An exception is the provision contained in section 202 of this act permitting the payment of compensation for scheduled permanent disability in addition to benefits under the Civil Service Act. This provision is applicable to any injury which occurred within 3 years prior to the date of enactment of this act as well as prospectively. Similarly, the provision in section 202 of this act requiring an election of the benefits in any case in which a claimant for compensation is also eligible to receive certain payments or benefits from the United States for the same disability or death is applicable to any injury or death occurring before enactment of this act as well as prospectively, but shall not deprive any person of benefits in any case in which an award has been made.

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as introduced, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

FEDERAL EMPLOYEES' COMPENSATION ACT

* * * * * * *

SCHEDULED DISABILITIES

SEC. 5. (a) In any case of permanent disability which involves solely the loss, or loss of use, of a member or function of the body, *regardless of whether the cause of such disability originates in a part of the body other than such member*, or involves disfigurement, as provided in the following schedule, basic compensation for such disability shall, in addition to compensation for any temporary total or temporary partial disability, be payable to the disabled employee for the period specified in such schedule at the rate of 66⅔ per centum of his monthly pay and shall, except as otherwise provided in subsection (b) and in cases involving disfigurement, be in lieu of compensation for such permanent disability under the preceding sections of this Act:

(1) Arm lost, three hundred and twelve weeks' compensation.

(2) Leg lost, two hundred and eighty-eight weeks' compensation.

(3) Hand lost, two hundred and forty-four weeks' compensation.

(4) Foot lost, two hundred and five weeks' compensation.

(5) Eye lost, one hundred and sixty weeks' compensation.

(6) Thumb lost, seventy-five weeks' compensation.

(7) First finger lost, forty-six weeks' compensation.

(8) Great toe lost, thirty-eight weeks' compensation.

(9) Second finger lost, thirty weeks' compensation.

(10) Third finger lost, twenty-five weeks' compensation.

(11) Toe other than great toe lost, sixteen weeks' compensation.

(12) Fourth finger lost, fifteen weeks' compensation.

(13) Loss of hearing: (A) Complete loss of hearing of one ear, fifty-two weeks' compensation; (B) complete loss of hearing of both ears, two hundred weeks' compensation.

(14) Binocular vision or percentage of vision: Compensation for loss of binocular vision or for 80 per centum or more of the vision of an eye shall be the same as for the loss of the eye.

(15) Phalanges: Compensation for loss of more than one phalanx of a digit shall be the same as for loss of the entire digit. Compensation for loss of the first phalanx shall be one-half of the compensation for loss of the entire digit.

(16) Amputated arm or leg: If, in the case of an arm or a leg, the member is amputated above the wrist or ankle, compensation shall be the same as for the loss of the arm or leg, respectively.

(17) Two or more digits: Compensation for loss, or loss of use, of two or more digits, or one or more phalanges of each of two or more digits, of a hand or foot, shall be proportioned to the loss of use of the hand or foot occasioned thereby.

(18) Total loss of use: Compensation for permanent total loss of use of a member shall be the same as for loss of the member.

(19) Partial loss or partial loss of use: Compensation for permanent partial loss or loss of use of a member may be for proportionate loss or loss of use of the member. The degree of loss of vision or hearing under this schedule shall be determined without regard to correction.

(20) In any case in which there shall be a loss or loss of use, of more than one member or parts of more than one member as enumerated herein, the award of compensation shall be for the loss, or loss of use, of each such member or part thereof, which awards shall run consecutively, except that where the injury affects only two or more digits of the same hand or foot, subparagraph (17) of this schedule shall apply, and that where partial bilateral loss of hearing is involved, compensation shall be computed upon the loss as affecting both ears.

(21) Disfigurement: Proper and equitable compensation not to exceed $3,500 shall, in addition to any other compensation payable under this schedule, be awarded for serious disfigurement of the face, head, or neck, if of a character likely to handicap a person in securing or maintaining employment.

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AUGMENTED COMPENSATION FOR DEPENDENTS, MAXIMUM AND MINIMUM COMPENSATION, ATTENDANTS ALLOWANCE, AND SO FORTH

SEC. 6. (a)(1) While the disabled employee has one or more dependents, his basic compensation for disability payable under section 3 or section 5(a) (including compensation payable under the schedule to section 5(a) by virtue of section 5(b)) shall be augmented at the rate of 8⅓ per centum of his monthly pay, and his basic compensation for disability payable under section 4(a) shall be augmented at the rate of 8⅓ per centum of the difference between his

monthly pay and his monthly wage-earning capacity: *Provided*, That for any period of temporary total disability the augmentation of his basic compensation for disability payable under section 3 shall be limited to that part of his monthly pay which is not in excess of $420.

(2) As used in this subsection, the term "dependent" shall mean any of the following:

(A) A wife, if (i) she is a member of the same household as the employee or is receiving regular contributions from him toward her support, or (ii) he has been ordered by any court to contribute to her support.

(B) A husband, if wholly dependent by reason of his own physical or mental disability upon the employee for support.

(C) An unmarried child (as defined in section 10 (H)), while such child (i) is under eighteen years of age or, if over eighteen, is incapable of self-support by reason of mental or physical disability, and (ii) is living with the employee or receiving regular contributions toward his support from the employee.

(D) A parent (as defined in section 10 (H)), while wholly dependent upon and supported by the employee.

(b) (1) In addition to the monthly compensation otherwise specified in this Act, the Commission [1] may pay an injured employee, who has been awarded compensation, an additional sum of not more than [$75] *$125* a month, as the Commission may deem necessary, when the Commission shall find that the service of an attendant is necessary constantly to be used by reason of the employee's being totally blind, or having lost both hands or both feet or the use thereof, or being paralyzed and unable to walk, or by reason of other disability resulting from the injury actually rendering him so helpless as to require constant attendance.

(2) The Commission* may pay to any disabled individual who is undergoing vocational rehabilitation pursuant to the Commission's* direction under section 9(b) additional compensation necessary for his maintenance, but not to exceed [$50] *$100* per month.

(c) Except as otherwise authorized under section 42, the monthly rate of compensation for disability, including any augmented compensation payable by reason of subsection (a) but not including any sum payable by reason of subsection (b), shall not be more than $525 per month and in cases of total disability shall not be less than [$112.50] *$180* per month, unless the employee's monthly pay is less in which case his monthly rate of compensation for total disability shall be equal to his full monthly pay.

(d)(1) In the case of any person who at the time of the injury was a minor or employed in a learner's capacity and who, prior to the injury, was not physically or mentally handicapped, the Commission* shall, on any review under section 37 after the time when the wage-earning capacity of such person would probably, but for the injury, have increased, prospectively recompute the monetary compensation payable for disability on the basis of an assumed monthly pay corresponding to such probable increased wage-earning capacity. The Commission* may, on any review under section 37 after a disabled

[1] Functions of the Employees' Compensation Commission were transferred to the Federal Security Administrator, under authority of 1946 Reorganization Plan No. 2 (60 Stat. 1095). These functions were subsequently transferred from the Federal Security Administrator to the Secretary of Labor, under authority of 1950 Reorganization Plan No. 19 (64 Stat. 1271). Therefore, the word "Commission", wherever appearing herein, should be read as "Secretary".

*See footnote No. 1.

employee has attained the age of seventy years and the wage-earning capacity of the disabled employee would probably, aside from and independently of the effects of the injury, have decreased on account of old age, prospectively recompute the monetary compensation payable for disability on the basis of an assumed monthly pay corresponding to such probable decreased wage-earning capacity.

(2) If a disabled individual, without good cause, fails to apply for and undergo vocational rehabilitation when so directed pursuant to section 9(b), and the Commission*, upon review under section 37, finds that in the absence of such failure the individual's wage-earning capacity would probably have substantially increased, the Commission* may prospectively reduce the individual's monetary compensation in accordance with what would probably have been his wage-earning capacity in the absence of such failure, until the individual in good faith complies with the Commission's* direction.

OTHER PAYMENTS AND EXCLUSIVENESS OF REMEDY

SEC. 7. (a) That as long as the employee is in receipt of compensation under this Act, or, if he has been paid a lump sum in commutation of installment payments, until the expiration of the period during which such installment payments would have continued, he shall not receive from the United States any salary, pay, or remuneration whatsoever except in return for services actually performed, and except pensions for service in the Army or Navy of the United States: *Provided, That eligibility for or receipt of benefits under the Civil Service Retirement Act shall in no way impair the employee's right to receive compensation for scheduled disabilities specified in section 5(a) of this Act: Provided further,* That whenever any person is entitled to receive any benefits under this Act by reason of his injury, or by reason of the death of an employee, as defined in section 40, and is also entitled to receive from the United States any payments or benefits (other than the proceeds of any insurance policy), by reason of such injury or death under any other Act of Congress, because of service by him (or in the case of death, by the deceased) as an employee, as so defined, *or because of service by him (or in the case of death, by the deceased) in the Armed Forces of the United States,* such person shall elect which benefits he shall receive. Such election shall be made within one year after the injury or death, or such further time as the Commission* may for good cause allow, and when made shall be irrevocable unless otherwise provided by law.

* * * * * * *

MEDICAL, ETC., SERVICES

SEC. 9. (a) That for any injury sustained by an employee while in the performance of duty, whether or not disability has arisen, *and notwithstanding that the employee has accepted or is entitled to receive benefits under the Civil Service Retirement Act,* the United States shall furnish to the employee all services, appliances, and supplies prescribed or recommended by duly qualified physicians which, in the opinion of the Commission*, are likely to cure or to give relief or to reduce the degree or the period of disability or to aid in lessening the amount

*See footnote No. 1.

of the monthly compensation. Such services, appliances, and supplies shall be furnished by or upon the order of United States medical officers and hospitals, but where this is not practicable they shall be furnished by or upon the order of private physicians and hospitals designated or approved by the Commission*. For the securing of such services, appliances, and supplies, the employee may be furnished transportation, and may be paid all expenses incident to the securing of such services, appliances, and supplies, which, in the opinion of the Commission*, are necessary and reasonable. All such expenses when authorized or approved by the Commission* shall be paid from the employees' compensation fund. The Commission* may, under such limitations or conditions as he shall deem necessary, authorize employing establishments of the United States to provide for the initial furnishing of medical and other benefits under this section and the Commission* may certify for payment out of the Employees' Compensation Fund vouchers for expenses thus incurred for such benefits, upon certification by the person required by section 24 to make reports of injury that the expense was incurred in respect to injury which was accepted by the employing establishment as probably compensable under this Act. The form and content of such certification shall be prescribed by the Commission. Any award heretofore made by the Commission* on account of expenses incurred under section 9 of the Act of September 7, 1916, prior to the passage of this Act, shall be valid, if such award would be valid if made on account of expenses incurred under this section after the passage of this Act.

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COMPENSATION FOR DEATH

SEC. 10. That if death results from the injury the United States shall pay to the following persons for the following periods a monthly compensation equal to the following percentages of the deceased employees' monthly pay:

* * * * * * *

WAGE BASIS

(K) In computing compensation under this section the monthly pay shall be considered not to be less than [$150] *$240*, but the total monthly compensation shall not exceed the monthly pay computed as provided in section 12 or the sum of $525.

* * * * * * *

BURIAL, ETC., EXPENSES

SEC. 11. If death results from the injury the United States shall pay, to the personal representative of the deceased employee or otherwise, funeral and burial expenses not to exceed [$400] *$800*, in the discretion of the Commission*. In the case of an employee whose home is within the United States, if his death results from the injury while he is away from his home or official station or is outside of

*See footnote No. 1.

the United States, or if his death results from other causes while he is away from his home or official station for the purpose of receiving medical or other services, appliances, or supplies under section 9 or examination under section 21, and if so desired by his relatives, the body shall, in the discretion of the Commission*, be embalmed and transported in a hermetically sealed casket to the home or last place of residence of the employee at the expense of the employees' compensation fund. If, in such cases, request for return of the body is not made by the decedent's relatives, the Commission* may provide for the disposition of the remains and incur, and cause payment from the employees' compensation fund of, such necessary transportation, funeral, and burial expenses as under the circumstances shall be reasonable.

* * * * * * *

COMPUTATION OF WAGE-EARNING CAPACITY

SEC. 13. (a) In the determination of an employee's wage-earning capacity after the beginning of partial disability, the rules specified in section 12(b) shall apply.

(b) The wage-earning capacity of an injured employee, in determining compensation for partial disability other than permanent partial disability compensable under section 5, shall be determined by his actual earnings if such actual earnings fairly and reasonably represent his wage-earning capacity: *Provided, however,* That if the employee has no actual earnings, or his actual earnings do not fairly and reasonable represent his wage-earning capacity, such wage-earning capacity as shall appear reasonable under the circumstances of the case shall be determined, having due regard to the nature of his injury, the degree of physical impairment, his usual employment, *his age, his qualifications for other employment, the availability of suitable employment,* and any other factors or circumstances in the case which may affect his capacity to earn wages in his disabled condition.

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TIME FOR CLAIMS

SEC. 20. That all original claims for compensation for disability shall be made within sixty days after the injury. *In cases of latent disability due to radiation or other causes, the time for filing claim shall not begin to run until the employee has a compensable disability and is aware, or by the exercise of reasonable diligence should have been aware of the causal relationship of the compensable disability to his employment: Provided, That the time for giving notice of injury in such cases shall begin to run as soon as the employee is aware, or in the exercise of reasonable diligence should have been aware, that his conditionis causally related to his employment, regardless of whether or not there is a compensable disability.* All original claims for compensation for death shall be made within one year after the death. For any reasonable cause shown the Commission* may allow original claims for compensation for disability to be made at any time within one year. Failure to give notice of injury or to file claim for compensation for disability or death within

*See footnote No. 1.

the time and in the manner prescribed by this Act shall not bar the claim of any person thereunder if such claim is filed within five years after the injury or death and if the Commission* shall find (1) that such failure was due to circumstances beyond the control of the person claiming benefits, or (2) that such person has shown sufficient cause or reason in explanation thereof, and material prejudice to the interest of the United States has not resulted from such failure; and upon such finding the Commission* may waive compliance with the applicable provisions of the Act.

* * * * * * *

REPORT OF INJURIES

SEC. 24. (*a*) That immediately after an injury to an employee resulting in his death or in his probable disability, his immediate superior shall make a report to the Commission* containing such information as the Commission* may require, and shall thereafter make such supplemental reports as the Commission* may require.

(*b*) *Whoever, being an officer or employee of the United States charged with the responsibility for making the reports specified in subsection (a), willfully fails, neglects, or refuses to make any such report or knowingly files a false report, or induces, compels, or directs an injured employee to forgo filing of any claim for compensation or other benefits provided under this Act or any extension or application thereof, or willfully retains any notice, report, claim, or paper which is required to be filed under this Act or any extension or application thereof, or regulations promulgated thereunder shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than 500 or imprisoned not more than one year, or both.*

* * * * * * *

ASSIGNMENTS OF DAMAGE CLAIMS AGAINST THIRD PARTIES

SEC. 26. If any injury or death for which compensation is payable under this Act is caused under circumstances creating a legal liability upon some person other than the United States to pay damages therefor, the Commission* may require the beneficiary to assign to the United States any right of action he may have to enforce such liability of such other person or any right which he may have to share in any money or other property received in satisfaction of such liability of such other person, or the Commission* may require said beneficiary to prosecute said action in his own name. *Any employee who is required to appear as a party or witness in the prosecution of said action is, while so engaged, in an active duty status.*

If the beneficiary shall refuse to make such assignment or to prosecute said action in his own name when required by the Commission,* he shall not be entitled to any compensation under this Act.

The cause of action when assigned to the United States may be prosecuted or compromised by the Commission,* and if the Commission* realizes upon such cause of action he shall apply the money or other properties so received in the following manner: After deducting the amount of any compensation already paid to the beneficiary and the expenses of such realization or collection, which sum shall be placed to the credit of the employees' compensation fund, the surplus,

*See footnote No. 1.

if any, shall be paid to the beneficiary and credited upon any future payments of compensation payable to him on account of the same injury.

* * * * * * *

[COMPENSATION FUND

[SEC. 35. That there is hereby authorized to be appropriated, from any money in the Treasury not otherwise appropriated, the sum of $500,000, to be set aside as a separate fund in the Treasury, to be known as the employees' compensation fund. To this fund there shall be added such sums as Congress may from time to time appropriate for the purpose. Such fund, including all additions that may be made to it, is hereby authorized to be permanently appropriated for the payment of the compensation provided by this Act, including the medical, surgical, and hospital services and supplies provided by section 9, and the transportation and burial expenses provided by sections 9 and 11.]

EMPLOYEES' COMPENSATION FUND

SEC. 35. (a) There is established in the Treasury a separate fund to be known as the Employees' Compensation Fund which shall consist of such sums as Congress may from time to time appropriate therefor or transfer thereto and amounts otherwise accruing thereto under this or any other Act of Congress. Such fund including all additions that may be made to it shall be available without time limit for the payment of the compensation and other benefits and expenses (except administrative expenses) authorized by this Act or any extension or application thereof except as may be provided by this or other Acts. The Secretary of the Treasury shall submit annually to the Bureau of the Budget estimates of appropriations necessary for the maintenance of the Employees' Compensation Fund.

(b) The Secretary of the Treasury shall, prior to August 15 of each year, furnish to each executive department and each agency or instrumentality of the United States or other establishment, having employees who are or may be entitled to compensation benefits under this Act or any extension or application thereof (hereinafter called "agency"), a statement showing the total cost of benefits and other payments made from the Employees' Compensation Fund during the preceding fiscal year on account of the injury or death of employees or persons under the jurisdiction of such agency occurring after July 1, 1960. Each agency shall include in its annual budget estimates for the next fiscal year a request for an appropriation in an amount equal to such costs. Sums appropriated pursuant to such request shall, within thirty days after they become available, be deposited in the Treasury to the credit of the Employees' Compensation Fund. In the case of any corporation or other agency which is not dependent upon an annual appropriation, the deposit to the credit of the Employees' Compensation Fund required by this subsection shall be made by such agency from funds under its control. If any agency or part thereof or any of its functions is transferred to another agency, the cost of compensation benefits and other expenses paid from the Employees' Compensation Fund on on account of the injury or death of employees of the transferred agency or function shall be included in costs of the receiving agency.

"(c) In addition to the contributions for the maintenance of the Employees' Compensation Fund required by this section, any mixed ownership corporation as defined in section 201 of the Government Corporation Control Act (31 U.S.C. 856), or any corporation or agency (or activity thereof) which is required by law to submit an annual budget pursuant to, or as provided by, the Government Corporation Control Act (31 U.S.C. 841–869), shall pay an additional amount for its fair share of the cost of administration of this Act as determined by the Secretary of Labor. With respect to said agencies, the charges billed by the Secretary of Labor pursuant to this section shall include an additional amount for such costs, which shall be paid into the Treasury as miscellaneous receipts from the sources authorized, and in the manner otherwise provided in this section."

* * * * * * *

DEFINITIONS

SEC. 40. That wherever used in this Act—

* * * * * * *

(f) The term "monthly pay" shall be taken to refer to the monthly pay at the time of the injury, *or the monthly pay at the time disability begins, or the monthly pay at the time compensable disability recurs, if such recurrence begins more than six months after the injured employee resumes regular full-time employment with the United States, whichever is greater*, except when otherwise determined under section 6(d) with respect to any period.

THE SECOND PROVISO OF THE FIRST SECTION OF THE ACT OF FEBRUARY 15, 1934 (5 U.S.C. 796)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to provide additional funds for carrying out the purposes of the Federal Emergency Relief Act of 1933, approved May 12, 1933 (48 Stat. 55), and for continuing the Civil-Works program under the Federal Civil Works Administration as created under authority of title II of the National Industrial Recovery Act, approved June 16, 1933 (48 Stat. 200), there is hereby appropriated for these activities, out of any money in the Treasury not otherwise appropriated, to remain available until June 30, 1935, the sum of $950,000,000, which shall be available for expenditure for such projects and/or purposes and under such rules and regulations as the President in his discretion may prescribe: *Provided*, That nothing contained in the Federal Emergency Relief Act of 1933 shall be construed as precluding the Federal Emergency Relief Administrator from making grants for relief within a State directly to such public agency as he may designate: *Provided further*, That the provisions of the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916 (U.S.C., title 5, sec. 785), as amended, are hereby extended, so far as they may be applicable, to employees of the Federal Civil Works Administration only for disability or death resulting from traumatic injury while

in the performance of duty, subject, however, to the following conditions and limitations:

(a) that the aggregate monetary compensation in any individual case, except compensation for death or for permanent total disability, shall not exceed the sum of $4,000 and that the monthly monetary compensation shall not in any event exceed [$100] *$150*, both exclusive of medical costs;

(b) that, in lieu of the minimum limit on monthly compensation for disability established by section 6 and the minimum limit on the monthly pay on which death compensation is to be computed as provided by section 10(K) of such Act, the monthly pay on the basis of which compensation for disability or death is computed shall be deemed to be not less than [$75] *$150* and compensation shall be payable on the basis of such pay regardless of the actual pay at the time of injury or death, except that the Federal Security Administrator [2] may from time to time, by regulation, fix a lower minimum monthly pay as a basis for computing such compensation as to any class of individuals, specified in the fourth paragraph of section 42 of such Act, as amended, who sustained injury or were killed outside the continental United States;

(c) that the Federal Security Administrator [2] may from time to time, subject to the above limitations, establish a special schedule of compensation for disability and for death (including a special schedule of compensation for the loss, or loss of use, of members or functions of the body), and compensation under such schedule shall be in lieu of all other compensation in such cases; (d) that the rights of any person employed by the Federal Civil Works Administration to compensation or other benefits which may have accrued prior to and including the date of approval of this Act under the provisions of the Act of September 7, 1916, as amended (U.S.C., title 5, chap. 15), and/or the rules and regulations of the Federal Civil Works Administration shall terminate upon the date of the approval of this Act; and thereafter compensation and other benefits to any such person for death or disability arising before or after the date of the approval of this Act shall be paid in accordance with the provisions hereof; (e) that the said Commission* is hereby authorized in its discretion to provide for the initial payments of compensation and the furnishing of immediate medical attention as herein provided through the local representatives of the Federal Civil Works Administration; (f) that no claim for legal services or for any other services rendered in respect of a claim or award for compensation, to or on account of any person, shall be valid unless approved by the Commission*; and any person who receives any fee, other consideration, or any gratuity on account of services so rendered, unless such consideration or gratuity is approved by the Commission*, or, who makes it a business to solicit employment for a lawyer or for himself in respect of any claim or award for compensation, shall be guilty of a misdemeanor, and upon conviction thereof, shall, for each offense, be punished by a fine of not more than $1,000 or by imprisonment

[2] Functions of the Employees' Compensation Commission were transferred to the Federal Security Administrator, under authority of 1946 Reorganization Plan No. 2 (60 Stat. 1095). These functions were subsequently transferred from the Federal Security Administrator to the Secretary of Labor, under authority of 1950 Reorganization Plan No. 19 (64 Stat. 1271). Therefore, the words "Federal Security Administrator", "United States Employees' Compensation Commission", and "Commission", wherever appearing herein, should be read as "Secretary".

*See footnote No. 2.

not to exceed one year, or by both such fine and imprisonment: *Provided further,* That traumatic injury shall mean only injury by accident causing damage or harm to the physical structure of the body and shall not include a disease in any form except as it shall naturally result from the injury: *And Provided further,* That so much of the sum appropriated by this Act as the United States Employees' Compensation Commission*, with the approval of the Director of the Budget, estimates and certifies to the Secretary of the Treasury will be necessary for administrative expenses and for the payment of such compensation shall be set aside in a special fund to be administered by the Commission* for such purposes; and after June 30, 1935, such special fund shall be available for these purposes annually in such amounts as may be specified therefor in the annual appropriation acts: *Provided further,* That no part of the appropriation herein made shall be allotted for expenditure for any Civil Works project under any other department or establishment of the Federal Government except for the completion of projects for the improvement of Federal lands or public property in progress and uncompleted on the date of the approval of this Act, and except such sums as may be necessary for maintenance and operation of reemployment agencies, and medical, surgical, and hospital services, and for administration, supervision, inspection, disbursing, and accounting purposes, and printing and binding, in connection with State and/or local Civil Works projects: *Provided further,* That section 3709 of the Revised Statutes (U.S.C., title 41, sec. 5) shall not be construed to apply to any purchase or service rendered for the Federal Civil Works Administration when the aggregate amount involved does not exceed the sum of $300.

*See footnote No. 2.

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Union Calendar No. 768

86TH CONGRESS
2D SESSION

H. R. 12383

[Report No. 1743]

IN THE HOUSE OF REPRESENTATIVES

MAY 25, 1960

Mr. WIER introduced the following bill; which was referred to the Committee on Education and Labor

JUNE 2, 1960

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

To amend the Federal Employees' Compensation Act to make benefits more realistic in terms of present wage rates, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Employees' Compensation Act Amendments of 1960".

TITLE I—SUBSTANTIVE AMENDMENTS

Increase in Minimum Compensation for Total Disability, Attendants, Allowance, Maintenance While Undergoing Vocational Rehabilitation

SEC. 101. Section 6 of the Federal Employees' Compensation Act is amended by striking out "$75" in para-

graph (1) of subsection (b) and inserting in lieu thereof "$125"; by striking out "$50" in paragraph (2) of subsection (b) and inserting in lieu thereof "$100"; by striking out "$112.50" in subsection (c) and inserting in lieu thereof "$180".

Increase in Death Benefits

SEC. 102. Section 10(K) of the Federal Employees' Compensation Act is amended by striking out "$150" and inserting in lieu thereof "$240".

Increase in Burial Payments

SEC. 103. Section 11 of the Federal Employees' Compensation Act is amended by striking out "$400" and inserting in lieu thereof "$800".

Increase of Compensation Base Where Injury Occurred Before January 1, 1958

SEC. 104. Notwithstanding any other provision of this Act or the Federal Employees' Compensation Act, the monthly pay upon the basis of which compensation for disability or death is computed under the Federal Employees' Compensation Act shall be increased as follows: If such employee's injury (or injury causing death) occurred before January 1, 1958, but after December 31, 1950, such eligible employee's "monthly pay" shall be increased by 10 percent; if such employee's injury (or injury causing death) occurred before January 1, 1951, but after December 31,

1945, such eligible employee's "monthly pay" shall be increased by 20 percent; if such employee's injury (or injury causing death) occurred before January 1, 1946, such eligible employee's "monthly pay" shall be increased by 30 percent: *Provided,* That nothing in this or any other Act of Congress shall be construed to make the increase in the monthly pay provided by this section applicable to military personnel, or to any person or employee not within the definition of section 40(b) (1) or (2) of the Federal Employees' Compensation Act: *Provided further,* That this section shall not be construed to permit the amount of compensation on account of an employee's disability or death to be increased more than 10 percent if such injury (or injury causing death) occurred before January 1, 1958, but after December 31, 1950, nor more than 20 percent if such injury (or injury causing death) occurred before January 1, 1951, but after December 31, 1945, nor more than 30 percent if such injury (or injury causing death) occurred prior to January 1, 1946.

Liberalization of Minimum and Maximum Compensation for Emergency Relief Workers

SEC. 105. The second proviso of the first section of the Act approved February 15, 1934 (5 U.S.C. 796) is amended by striking out "$100" in clause (a) and inserting

in lieu thereof "$150"; and by striking out "$75" in clause (b) and inserting in lieu thereof "$150".

TITLE II—TECHNICAL AMENDMENTS

Clarification of Scheduled Awards

SEC. 201. The first sentence of section 5(a) of the Federal Employees' Compensation Act is amended by inserting after "body," the following: "regardless of whether the cause of such disability originates in a part of the body other than such member,".

Eligibility For or Receipt of Benefits Earned Under Civil Service Retirement Act Not To Preclude Payment of Compensation for Scheduled Losses, Election by Claimants Eligible to Receive Veterans' Benefits for Same Disability or Death

SEC. 202. Section 7 (a) of the Federal Employees' Compensation Act is amended to read as follows:

"SEC. 7. (a) That as long as the employee is in receipt of compensation under this Act, or, if he has been paid a lump sum in commutation of installment payments, until the expiration of the period during which such installment payments would have continued, he shall not receive from the United States any salary, pay, or remuneration whatsoever except in return for services actually performed, and except pensions for service in the Army or Navy of the United States: *Provided,* That eligibility for or receipt of

benefits under the Civil Service Retirement Act shall in no way impair the employee's right to receive compensation for scheduled disabilities specified in section 5(a) of this Act: *Provided further,* That whenever any person is entitled to receive any benefits under this Act by reason of his injury, or by reason of the death of an employee, as defined in section 40, and is also entitled to receive from the United States any payments or benefits (other than the proceeds of any insurance policy), by reason of such injury or death under any other Act of Congress, because of service by him (or in the case of death, by the deceased) as an employee, as so defined, or because of service by him (or in the case of death, by the deceased) in the Armed Forces of the United States, such person shall elect which benefits he shall receive. Such election shall be made within one year after the injury or death, or such further time as the Administrator may for good cause allow, and when made shall be irrevocable unless otherwise provided by law."

Medical Care to Claimants Receiving Civil Service Annuity

SEC. 203. The first sentence of section 9(a) of the Federal Employees' Compensation Act is amended by inserting after "arisen," the following: "and notwithstanding that the employee has accepted or is entitled to receive benefits under the Civil Service Retirement Act,".

Considerations in Computation of Wage-Earning Capacity

SEC. 204. Section 13 (b) of the Federal Employees' Compensation Act is amended by striking out all that follows "his usual employment," and inserting in lieu of such matter stricken out the following: "his age, his qualifications for other employment, the availability of suitable employment, and any other factors or circumstances in the case which may affect his capacity to earn wages in his disabled condition."

Notice of Injury and Claim for Compensation in Cases of Latent Disability

SEC. 205. Section 20 of the Federal Employees' Compensation Act is amended by inserting immediately after the first sentence thereof the following: "In cases of latent disability due to radiation or other causes, the time for filing claim shall not begin to run until the employee has a compensable disability and is aware, or by the exercise of reasonable diligence should have been aware of the causal relationship of the compensable disability to his employment: *Provided,* That the time for giving notice of injury in such cases shall begin to run as soon as the employee is aware, or in the exercise of reasonable diligence should have been aware, that his condition is causally related to his employment, regardless of whether or not there is a compensable disability."

Report of Injuries

SEC. 206. Section 24 of the Federal Employees' Compensation Act is amended by inserting "(a)" after "SEC. 24." and by adding at the end thereof the following:

"(b) Whoever, being an officer or employee of the United States charged with the responsibility for making the reports specified in subsection (a), willfully fails, neglects, or refuses to make any such report or knowingly files a false report, or induces, compels, or directs an injured employee to forgo filing of any claim for compensation or other benefits provided under this Act or any extension or application thereof, or willfully retains any notice, report, claim, or paper which is required to be filed under this Act or any extension or application thereof, or regulations promulgated thereunder shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than $500 or imprisoned not more than one year, or both."

Government Employees Required To Appear as Parties or Witnesses in the Prosecution of Third-Party Claims

SEC. 207. The first paragraph of section 26 of the Federal Employees' Compensation Act is amended by adding at the end thereof the following: "Any employee who is required to appear as a party or witness in the prosecution of said action is, while so engaged, in an active duty status."

Additional Method for Computing Compensation in Certain Cases

SEC. 208. Section 40(f) of the Federal Employees' Compensation Act is amended to read as follows:

"(f) The term 'monthly pay' shall be taken to refer to the monthly pay at the time of the injury, or the monthly pay at the time disability begins, or the monthly pay at the time compensable disability recurs, if such recurrence begins more than six months after the injured employee resumes regular full-time employment with the United States, whichever is greater, except when otherwise determined under section 6(d) with respect to any period."

Reimbursement of Compensation Costs by Federal Agencies

SEC. 209. Section 35 of the Federal Employees' Compensation Act is amended to read as follows:

"Employees' Compensation Fund

"SEC. 35. (a) There is established in the Treasury a separate fund to be known as the Employees' Compensation Fund which shall consist of such sums as Congress may from time to time appropriate therefor or transfer thereto and amounts otherwise accruing thereto under this or any other Act of Congress. Such fund including all additions that may be made to it shall be available without time limit for the payment of the compensation and other benefits and expenses (except administrative expenses) authorized by this Act or

any extension or application thereof except as may be provided by this or other Acts. The Secretary of the Treasury shall submit annually to the Bureau of the Budget estimates of appropriations necessary for the maintenance of the Employees' Compensation Fund.

"(b) The Secretary of the Treasury shall, prior to August 15 of each year, furnish to each executive department and each agency or instrumentality of the United States or other establishment, having employees who are or may be entitled to compensation benefits under this Act or any extension or application thereof (hereinafter called 'agency'), a statement showing the total cost of benefits and other payments made from the Employees' Compensation Fund during the preceding fiscal year on account of the injury or death of employees or persons under the jurisdiction of such agency occurring after July 1, 1960. Each agency shall include in its annual budget estimates for the next fiscal year a request for an appropriation in an amount equal to such costs. Sums appropriated pursuant to such request shall, within thirty days after they become available, be deposited in the Treasury to the credit of the Employees' Compensation Fund. In the case of any corporation or other agency which is not dependent upon an annual appropriation, the deposit to the credit of the Employees' Compensation Fund required by this subsection shall be made by such

agency from funds under its control. If any agency or part thereof or any of its functions is transferred to another agency, the cost of compensation benefits and other expenses paid from the Employees' Compensation Fund on account of the injury or death of employees of the transferred agency or function shall be included in costs of the receiving agency.

"(c) In addition to the contributions for the maintenance of the Employees' Compensation Fund required by this section, any mixed ownership corporation as defined in section 201 of the Government Corporation Control Act (31 U.S.C. 856), or any corporation or agency (or activity thereof) which is required by law to submit an annual budget pursuant to, or as provided by, the Government Corporation Control Act (31 U.S.C. 841–869), shall pay an additional amount for its fair share of the cost of administration of this Act as determined by the Secretary of Labor. With respect to said agencies, the charges billed by the Secretary of Labor pursuant to this section shall include an additional amount for such costs, which shall be paid into the Treasury as miscellaneous receipts from the sources authorized, and in the manner otherwise provided in this section."

Effective Date

SEC. 210. (a) Except as otherwise provided by this section or in this Act, titles I and II of this Act shall take

effect on the date of enactment of this Act and be applicable to any injury or death occurring after such date.

(b) The amendments made by sections 101, 102, 201, 203, 204, and 208 of this Act to sections 5(a), 6(b)(1), 6(b)(2), 6(c), 9(a), 10(k), 13(b), and 40(f) of the Federal Employees' Compensation Act shall be applicable to cases of injury or death occurring before the date of enactment of this Act only with respect to any period beginning on or after the first day of the first calendar month following the date of enactment of this Act.

(c) The amendments made by sections 104 and 105 of this Act shall be applicable to cases of injury or death occurring before enactment of this Act only with respect to any period beginning on or after the first day of the first calendar month following the date of enactment of this Act.

(d) The amendment made by section 202 of this Act to section 7(a) of the Federal Employees' Compensation Act permitting the payment of compensation for scheduled permanent disabilities in addition to benefits under the Civil Service Retirement Act shall be applicable to any injury which occurred within three years prior to the date of enactment of this Act as well as to any injury occurring on or after the date of enactment of this Act.

(e) The amendment made by section 202 of this Act to section 7(a) of the Federal Employees' Compensation Act

requiring an election of benefits in any case in which a claimant for compensation is also eligible to receive certain payments or benefits from the United States for the same disability or death shall be applicable to any injury or death occurring before, on, or after the date of enactment of this Act but shall not deprive any person of any benefits awarded prior to the date of enactment of this Act.

Union Calendar No. 768

86TH CONGRESS
2D SESSION

H. R. 12383

[Report No. 1743]

A BILL

To amend the Federal Employees' Compensation Act to make benefits more realistic in terms of present wage rates, and for other purposes.

By Mr. WIER

MAY 25, 1960

Referred to the Committee on Education and Labor

JUNE 2, 1960

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

H. R. 12583

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE

(For Department Staff Only)

Issued June 22, 1960
For actions of June 21, 1960
86th-2d, No. 114

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HIGHLIGHTS: House debated Poage farm bill. Senate committee voted to report bill to accelerate reforestation programs.

HOUSE

1. FARM PROGRAM. Began debate on H. R. 12261, the Poage farm bill (pp. 12602, 12606 47). Agreed to a Rules Committee resolution providing for 2 hours debate on the bill (pp. 12602, 12606-16). Rejected, 92 to 108, an amendment by Rep. Dixon which would have substituted the language of the Ellender wheat bill (S. 2759) as passed by the Senate for the language of the Poage bill (pp. 12634-46). Rejected an amendment by Rep. Levering to the amendment by Rep. Dixon which would have struck out a provision to reduce the 15-acre wheat exemption to 12 acres of the highest acreage planted during the 5-year period, 1956-60 (p. 12646).

2. UNEMPLOYMENT COMPENSATION; PERSONNEL. Both Houses passed without amendment H. J. Res. 765, providing a supplemental appropriation of $6 million to the Department of Labor for unemployment compensation for veterans and Federal employees. This measure will now be sent to the President. pp. 12589, 12570

3. PERSONNEL. The Post Office and Civil Service Committee reported with amendment S. 2575, to provide a health benefits program for certain retired employees of the Government (H. Rept. 1930). p. 12666

The Post Office and Civil Service Committee voted to report (but did not actually report) the following bills: p. D586

H. R. 12336, to amend the Classification Act of 1949 so as to preserve basic compensation in certain downgrading actions;

H. R. 6743, to provide for survivors' annuities in additional cases under the Civil Service Retirement Act;

H. R. 543, to amend the Classification Act of 1949 so as to provide a formula for guaranteeing a minimum increase when an employee is promoted from one grade to another.

The Rules Committee reported a resolution for consideration of H. R. 12383, to amend the Federal Employees' Compensation Act so as to make compensation benefits more realistic in terms of present wage rates. p. D586

4. VETERANS' LOANS. The Rules Committee reported a resolution for consideration of H. R. 7903, to extend the veterans' guaranteed and direct loan programs for two additional years. p. D586

5. CLAIMS; JUDGMENTS. A subcommittee of the Judiciary Committee voted to report to the full committee H. R. 9523, to simplify the payment of certain miscellaneous judgments and the payment of certain compromise settlements. p. D586

6. RADIOACTIVITY; TRANSPORTATION. A subcommittee of the Judiciary Committee voted to report to the full committee S. 1806, to revise the "Explosives and Combustibles" transportation chapter of the Criminal Code so as to include the transportation of radioactive materials and etiologic agents as an illegal act. p. D586

7. FLOOD CONTROL. Conferees were appointed on H. R. 7634, the omnibus flood control and rivers and harbors bill (p. 12590). Senate conferees have already been appointed.

8. PUBLIC DEBT; TAXATION. Conferees were appointed on H. R. 12381, to extend for 1 year the public debt limit and the existing corporate normal-tax rate and certain excise-tax rates (p. 12601). Senate conferees have been appointed.

9. LABOR-HEW APPROPRIATION BILL, 1961. Conferees were appointed on this bill, H. R. 11390 (p. 12647). Senate conferees have already been appointed.

SENATE

10. FORESTRY. The Interior and Insular Affairs Committee voted to report (but did not actually report) S. J. Res. 95, providing for the acceleration of reforestation programs of this Department and the Department of the Interior. p. D583

11. LANDS. The Interior and Insular Affairs Committee reported the following bills: p. 12576

H. R. 8740, without amendment, to provide for the leasing of oil and gas interests in certain lands owned by the U. S. in Texas (S. Rept. 1637);

S. 3267, without amendment, to amend the Act of October 17, 1940, relating to the disposition of certain public lands in Alaska (S. Rept. 1628);

H. R. 9142, without amendment, to provide for the payment of claims of persons who conveyed lands to the U. S. as a basis for lieu selections under the Act of June 4, 1897, and who have not heretofore received the lieu selection or a reconveyance of their lands (S. Rept. 1639);

of suitable color additives in or on food, drugs, and cosmetics in accordance with regulations prescribing the conditions under which such additives may be safely used (pp. 13298-322). This action was subsequently vacated by the passage of S. 2197, the Senate bill, amended to contain the language of the House bill as amended, and the House bill was laid on the table (pp. 13322-8). The amendments made on the floor were technical amendments. p. 13302

45. WHEAT. Rep. Dixon criticized members of the House Agriculture Committee as being responsible for failure of the House to pass wheat legislation, stating that the Senate wheat bill was a superior bill and should have been acted on rather than the Poage bill. pp. 13343-4

46. WOOL. Agreed to the conference report on H. R. 9322, to make permanent the existing suspension of duties on certain coarse wool (p. 13271). This bill will now be sent to the President.

47. CASEIN. Agreed to the conference report on H. R. 9862, to extend until June 30, 1963, the temporary suspension of duties on imported casein (p. 13272). This bill will now be sent to the President.

48. VETERANS' BENEFIT. The Rules Committee reported a closed rule for consideration of H. R. 7903, to extend the veterans' guaranteed and direct loan programs for 2 years. p. 13347

49. PERSONNEL. Agreed to the conference report on H. R. 9881, to extend until July 1, 1962, the temporary suspension of duty on personal and household effects brought into the U. S. under Government orders (p. 13271-2). This bill will now be sent to the President.

Passed as reported S. 2857, to amend the Civil Service Retirement Act so as to provide for refunds of contributions in the case of annuitants whose length of service exceeds the amount necessary to provide the maximum annuity allowable under such Act. pp. 13270-1

The Rules Committee reported an open rule for the consideration of H. R. 12383, to amend the Federal Employees' Compensation Act to make benefits more realistic in terms of present wage rates. p. 13347

50. MINERALS. Disagreed to the Senate amendments to H. R. 10455, to amend the Mineral Leasing Act of Feb. 25, 1920, and conferees were appointed (p. 13281). Senate conferees have been appointed.

Began debate on H. R. 8860, to stabilize the mining of lead and zinc by small domestic producers on public, Indian, and other lands (pp. 13282-98). On an objection by Rep. Kyl, the final vote on passage was deferred until Mon., June 27.

51. INDEPENDENT OFFICES APPROPRIATION BILL, 1961. Disagreed to Senate amendments to this bill, H. R. 11776, and conferees were appointed (p. 13281). Senate conferees have been appointed.

52. PUBLIC DEBT. Received the conference report on H. R. 12381, to extend for 1 year the public debt limit and the existing corporate normal-tax rate and certain excise-tax rates (H. Rept. 2005). pp. 13344-6

53. FOREIGN AFFAIRS. The Rules Committee reported an open rule for consideration of H. R. 11001, to provide for the participation of the U. S. in the International Development Association. p. 13347

54. ADJOURNED until Mon., June 27. p. 13347

ITEMS IN APPENDIX

55. FOOD PRICES. Extension of remarks of Rep. Quie inserting an article, "You Can't Blame Farmers for High Food Prices." p. A5453

56. EXPENDITURES; BUDGET. Extension of remarks of Rep. Taber inserting a letter from the Director of the Budget "showing that the new and unnecessary appropriations pending for back door expenditures would if passed exceed the budget by over $10 billion." pp. A5467-8

57. FOOD FOR PEACE. Extension of remarks of Sen. Keating inserting an editorial expressing support for Vice President Nixon's food-for-peace proposal. p. A5479
Rep. Curtis, Mo., inserted an article, "Where Mr. Nixon Stands." pp. A5487-8

58. FARM LABOR. Sen. Javits inserted a New York City church resolution favoring the enactment of legislation relating to aid to migrant workers and their children. p. A5480
Rep. Gubser inserted an editorial, "The Bracero Story -- Growers Tell Their Side." pp. A5490-1

59. ITEM VETO. Rep. Schwengel inserted two editorials favoring item veto authority for the President. p. A5491

60. FARM PROGRAM. Extension of remarks of Rep. Ullman inserting an article, "Agricultural Abundance An Asset," and stating that it "highlights an aspect of our farm program that is rendering a real service to America and the world." pp. A5456-7
Extension of remarks of Rep. Levering stating that "I believe it is most regrettable that the House failed to approve farm legislation ..." and that "with all the imperfections which it contained, the legislation voted down was at least a step in the right direction ..." pp. A5457-8
Extension of remarks of Rep. Berry discussing the failure of passage of the wheat bill and stating that "American agriculture is sick, not because of American agricultural overproduction, but because of oversupply, and that oversupply has resulted and will continue to result from excessive imports." pp. A5458-60
Rep. Bonner inserted the statement of a Future Farmer of America about the modern farmer. p. A5473
Reps. Rees and Dorn inserted a statement of the American National Cattlemen's Association to be submitted to the platform committees of the Republican and Democratic Parties in their July conventions. pp. A5498-9, A5515
Extension of remarks of Rep. Hoeven stating that "the failure of the House of Representatives to accept the Senate wheat bill fixes the responsibility on the shoulders of the Democratic Members of the House," and inserting an article, "Failure on Wheat." pp. A5499-500
Extension of remarks of Rep. Pillion inserting the tabulated results of replies to his questionnaire, including four questions on agricultural problems. p. A5509

61. TERRITORIES AND POSSESSIONS. Extension of remarks of Rep. Saylor urging Congress to begin thinking about advancing those "few small islands ... left in a non-self-governing status ... to full self-government," and insertion of a report making recommendations on how this might be accomplished. pp. A5500-2

86TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
2d Session } { No. 1992

CONSIDERATION OF H.R. 12383

JUNE 25, 1960.—Referred to the House Calendar and ordered to be printed

Mr. SMITH of Virginia, from the Committee on Rules, submitted the following

REPORT

[To accompany H. Res. 572]

The Committee on Rules, having had under consideration House Resolution 572, report the same to the House with the recommendation that the resolution do pass.

House Calendar No. 259

86TH CONGRESS
2D SESSION

H. RES. 572

[Report No. 1992]

IN THE HOUSE OF REPRESENTATIVES

JUNE 25, 1960

Mr. SMITH of Virginia, from the Committee on Rules, reported the following resolution; which was referred to the House Calendar and ordered to be printed

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RESOLUTION

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12383) to amend the Federal Employees' Compensation Act to make benefits more realistic in terms of present wage rates, and for other purposes. After general debate, which shall be confined to the bill, and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for

amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

House Calendar No. 259

86TH CONGRESS
2D SESSION

H. RES. 572

[Report No. 1992]

RESOLUTION

Providing for the consideration of H.R. 12383, a bill to amend the Federal Employees' Compensation Act to make benefits more realistic in terms of present wage rates, and for other purposes.

By Mr. SMITH of Virginia

JUNE 25, 1960

Referred to the House Calendar and ordered to be printed

Representatives Fogarty, Denton, Cannon, Laird, and Taber. Page 12647

Quorum Call: During the proceedings of the House today one quorum call developed and it appears on page 12602.

Program for Wednesday: Adjourned at 5:57 p.m. until Wednesday, June 22, at 12 o'clock noon, when the House will further consider H.R. 12261, relating to market adjustment and price support programs for wheat and feed grains and to provide a high-protein food distribution program; H.R. 8860, to stabilize the mining of lead and zinc by small producers on public, Indian, and other lands (2 hours of debate); and H.R. 12580, Social Security Act amendments of 1960 (4 hours of debate).

Committee Meetings

MILITARY COMBAT VEHICLES

Committee on Armed Services: The Special Subcommittee continued its executive hearing of Army witnesses in connection with Comptroller General's criticism of Army's procurement of certain combat and tactical vehicles. The subcommittee meets again on this subject on Wednesday at 10 a.m.

D.C. NURSES

Committee on the District of Columbia: Subcommittee No. 3 concluded hearings on H.R. 12004 and S. 1870, to provide for examination, licensing, registration, and for regulation of professional and practical nurses and for nursing education in the District of Columbia, by hearing testimony of C. Beldon White of the Office of the Corporation Counsel.

EDUCATION

Committee on Education and Labor: Subcommittee on General Education held an informal executive discussion of the provisions of Public Law 815, relative to school construction in areas affected by Federal activities.

MINE SAFETY

Committee on Education and Labor: Subcommittee on Safety and Compensation concluded public hearings on mine safety by hearing Marling J. Ankeny, Director of the Bureau of Mines, Department of the Interior.

NATO CITIZENS CONVENTION

Committee on Foreign Affairs: In an executive session the committee ordered favorably reported to the House S.J. Res. 170, favoring a convention of delegates from Atlantic democracies looking to greater cooperation and unity of purpose. The committee will meet again in executive session on Wednesday at 10:30 a.m.

FDIC BUDGET REVIEW

Committee on Government Operations: Executive and Legislative Reorganization Subcommittee held a hearing on H.R. 12092, to amend the Government Corporation Control Act to provide that the Federal Deposit Insurance Corporation be subject to budget review by the President and the Congress. Witnesses were Congressman Patman, author of the bill, Elmer Staats, Deputy Director, Bureau of the Budget, Hon. Joseph W. Campbell, Comptroller General of the United States, and Hon. Jesse Wolcott, Chairman of the Federal Deposit Insurance Corporation. The hearing adjourned subject to the call of the Chair.

HOME LOAN BANK BOARD

Committee on Government Operations: Special Subcommittee on Home Loan Bank Board continued its hearings on matters regarding the Board. Testimony was given by William J. Hallahan, member of the Board. Hearings will continue on Wednesday at 10 a.m.

CAPE COD SEASHORE PARK

Committee on Interior and Insular Affairs: Subcommittee on Public Lands held a public hearing on H.R. 9050, 9051, 9055, 9056, 9057, and 9095, all of which provide for the establishment of Cape Cod National Seashore Park. In addition to public witnesses the subcommittee heard Representatives Keith, Boland, Conte, and O'Neill.

COMMITTEE BUSINESS

Committee on Interstate and Foreign Commerce: Met in executive session but made no announcement.

AUTO DISTRIBUTION

Committee on Interstate and Foreign Commerce: Continued hearing on H.R. 10201, relating to the distribution of automobiles in interstate commerce, and heard testimony of public witnesses. The subcommittee will continue hearing on the same subject on Wednesday at 10 a.m.

PRIVATE BILLS

Committee on the Judiciary: Subcommittee No. 2 met in executive session and acted on several private claims bills.

JUDICIAL MISCELLANY

Committee on the Judiciary: Subcommittee No. 3 met in executive session and ordered favorably reported to the full committee the following bills:

H.R. 12208 (amended), to provide for reducing sentences of imprisonment imposed upon persons held in custody for want of bail while awaiting trial by the time so spent in custody;

H.R. 9523, to simplify the payment of certain miscellaneous judgments and the payment of certain compromise settlements;

S. 1806 (amended), to revise title 18, chapter 39, of the U.S. Code, entitled "Explosives and Combustibles"; and

S. 2744, to extend the time of a design patent assigned to the DAR, without amendment.

SHIP MORTGAGES

Committee on Merchant Marine and Fisheries: Subcommittee on Merchant Marine held a public hearing on H.R. 10470, to authorize the Maritime Administration to make advances on Government-insured ship mortgages, and heard industry witnesses. The subcommittee will continue its hearing on Wednesday at 10 a.m.

POSTAL—CIVIL SERVICE MISCELLANY

Committee on Post Office and Civil Service: In executive session the committee ordered favorably reported to the House the following bills:

H.R. 1295, to clarify the law with respect to transportation of airmail;

H.R. 11531, authorizing the Postmaster General to adjust certain claims of postmasters for loss by burglary, fire, or other unavoidable casualty;

H.R. 12043, to amend sections 22, 23, and 24, title 13, U.S. Code;

H.R. 12336, to amend the Classification Act with respect to the preservation of basic compensation in downgrading actions;

H.R. 6743, to provide for certain survivors' annuities in additional cases under the Civil Service Retirement Act of May 29, 1930;

H.R. 12663, to preserve the rates of basic salary of postal field service employees in certain cases involving reductions in salary standing;

H.R. 543, to provide a formula for guaranteeing a minimum increase when an employee is promoted from one grade to another; and

S. 2575, to provide a health benefits program for certain retired employees of the Government.

MILITARY PROCUREMENT

Committee on Rules: After hearing Representatives Vinson and Bates the committee granted on open rule providing for the consideration of and 1 hour of debate on H.R. 12572, to revise the Armed Services Procurement Act.

MILITARY ACADEMIES

Committee on Rules: Granted an open rule providing for the consideration of and 1 hour of debate on H.R. 12417, to bring the number of cadets at the U.S. Military Academy and Air Force Academy up to full strength. Representatives Vinson and Bates appeared before the committee on behalf of the rule.

VETERANS' DIRECT LOANS

Committee on Rules: Granted a closed rule, waiving points of order, and providing for 1 hour of debate on H.R. 7903, extension of veterans' guaranteed and direct loan program. Representatives Teague, Ayres, and Rogers of Massachusetts were heard prior to granting of the rule.

FEDERAL EMPLOYEES' BENEFITS

Committee on Rules: Granted an open rule providing for the consideration of and 1 hour of debate on H.R. 12383, to amend the Federal Employees' Compensation Act to make benefits more realistic in terms of present wage rates. Representatives Weir and O'Hara of Michigan appeared in support of the rule.

SHIPYARD WAGE RATES

Committee on Rules: Conducted a hearing on a request for a rule for the consideration of S. 19, to provide a method of regulating and fixing wages rates for employees of the Portsmouth, N.H., Naval Shipyard, but did not conclude the hearings. The committee today heard Representatives Vinson and Bates.

COMMITTEE MEETINGS FOR WEDNESDAY, JUNE 22

(*All meetings are open unless otherwise designated*)

Senate

Committee on Appropriations, subcommittee, on H.R. 11666, State, Justice, and the Judiciary appropriations, 10 a.m. and 2 p.m., room F–39, Capitol.

Subcommittee, executive, to mark up proposed fiscal 1961 appropriations for the AEC and TVA, 2 p.m., room F–82, Capitol.

Committee on the District of Columbia, Subcommittee on Business and Commerce, on several pending bills (S. 3571, 3688, and H.R. 8289), 9:15 a.m., 6226 New Senate Office Building.

Committee on Finance, executive, on calendar of bills, 10 a.m., 2221 New Senate Office Building.

Committee on Foreign Relations, on H.R. 12263, to construct the Amistad Dam on the Rio Grande; to be followed by executive session to consider vote on draft report on events incident to the summit conference, 10 a.m., room F–53, Capitol.

Committee on Government Operations, executive, on legislative calendar, 10 a.m., 3302 New Senate Office Building.

Committee on Interior and Insular Affairs, Subcommittee on Indian Affairs, on S. 2156, to clarify the intent of Congress with respect to certain mineral leasing rights, 2:30 p.m., 3110 New Senate Office Building.

Committee on Interstate and Foreign Commerce, Surface Transportation Subcommittee, on H.R. 1341, safety standards for Government-operated vehicles, 2 p.m., 5110 New Senate Office Building.

Committee on the Judiciary, Subcommittee, on the nomination of Robert A. Bicks, to be Assistant Attorney General, 10:30 a.m., 2300 New Senate Office Building;

24. DEFENSE DEPARTMENT APPROPRIATION BILL, 1961. Received the conference report on this bill, H. R. 11998 (H. Rept. 2040). pp. 13891-3

25. GENERAL GOVERNMENT MATTERS APPROPRIATION BILL, 1961. Received the conference report on this bill, H. R. 11389 (H. Rept. 2039). pp. 13893-4

26. RYUKYU ISLANDS. Concurred in Senate amendments to H. R. 1157, providing for the economic and social development in the Ryukyu Islands (p. 13896). This bill will now be sent to the President.

27. FOREIGN AFFAIRS. Passed, by a vote of 249 to 158, without amendment, H. R. 11001, to provide for the participation of the U. S. in the International Development Association. pp. 13896-7

28. PERSONNEL. Passed with amendments H. R. 12383, to amend the Federal Employees Compensation Act to make the benefits more realistic in terms of present wage rates. pp. 13921-5

29. VETERANS' BENEFITS. Passed, by a vote of 395 to 1, with amendment, H. R. 7903, to extend for 2 years the veterans' guaranteed and direct loan program. pp. 13925-32

Concurred in the Senate amendment to H. R. 5040, to amend and clarify the reemployment provisions of the Universal Military Training and Service Act (p. 13938). This bill will now be sent to the President.

30. LEGISLATIVE APPROPRIATION BILL, 1961. House conferees were appointed on amendments in disagreement on this bill, H. R. 12232 (pp. 13938-9). Senate conferees have been appointed.

31. RECLAMATION. The Interior and Insular Affairs Committee voted to report (but did not actually report) S. 68, to provide for the continued delivery of water under the Federal reclamation laws to lands held by husband and wife upon the death of either. p. D636

32. TRANSPORTATION. Disagreed to Senate amendments to H. R. 11135, to aid in the development of a unified and integrated system of transportation for the National Capital Region, and conferees were appointed (p. 13940). Senate conferees have been appointed.

33. PROPERTY. The Government Operations Committee reported without amendment H. R. 1319, to amend the Surplus Property Act of 1944 so as to eliminate the requirement that property conveyed for historic-monument purposes under such section must have been acquired by the U. S. on or before Jan. 1, 1900 (H. Rept. 2032). p. 13969

34. LANDS. The Agriculture Committee reported with amendment H. R. 9732, to authorize the Secretary of Agriculture to convey certain property in Calif. to Trinity County (H. Rept. 2035). p. 13969

The Interior and Insular Affairs Committee voted to report (but did not actually report) with amendment H. R. 10102, to clarify the right of States to select certain public lands subject to any outstanding mineral lease or permit. p. D636

35. EDUCATION. The Rules Committee reported a resolution for the consideration of H. R. 10876, to amend the law relating to the support and endowment of colleges of agriculture and mechanic arts to increase the authorized appropriations for resident teaching grants to land-grant institutions. p. 13969

36. FLOOD CONTROL. Conferees agreed to file a conference report on H. R. 7634, authorizing the construction, repair, and preservation of certain public works on rivers and harbors, for navigation and flood control. p. D637

37. POSTAL RATES. Rep. Porter criticized Postmaster General Summerfield for "gross and intentional misrepresentations of the postal rate and deficit picture." pp. 13953-4

38. IMPORTS. Passed as reported H. R. 11573, to provide for the duty-free importation of two electron microscopes for education or research purposes. pp. 13948-9

Passed without amendment H. R. 9240, to authorize the informal entries of merchandise where the aggregate value of the shipment does not exceed $400. pp. 13947-8

39. LEGISLATIVE PROGRAM. The "Daily Digest" states that the legislative program for today, June 30, will include the following: Private Calendar; conference reports on defense and general Government matters appropriation bills; minimum-wage increase bill, and Sugar Act extension bill. pp. D635-6

ITEMS IN APPENDIX

40. FOREIGN AFFAIRS. Speech in the House by Rep. McDowell during debate on the proposed bill to provide participation of the United States in the International Development Association. pp. A5637-8

41. FOOD FOR PEACE. Extension of remarks of Sen. Wiley inserting an article "reflecting the splendid way in which various programs have served to fulfill not only humanitarian needs but also to make friends for the United States." pp. A5642-3

42. FARM PROGRAM. Sen. Hruska inserted an article, "Farmers Ride Gravy Train -- But Everybody Else Gets the Gravy." pp. A5645-7

BILLS INTRODUCED

43. WHEAT. H. R. 12870, by Rep. Albert, to amend the Agricultural Adjustment Act of 1938, as amended, and the Agricultural Act of 1949, as amended, with respect to market-adjustment and price-support programs for wheat; to Agriculture Committee.

BILLS APPROVED BY THE PRESIDENT

44. APPROPRIATIONS. H. R. 12117, Department of Agriculture and Farm Credit Administration appropriation bill for 1961. Approved June 29, 1960 (Public Law 86-532, 86th Congress).

H. J. Res. 765, to provide supplemental appropriations to the Departmentof Labor for unemployment compensation for veterans and Federal employees. Approved June 29, 1960. (Public Law 86-535, 86th Congress).

45. REPORTS. S. 899, to provide for the discontinuance of certain reports now required by law (including certain reports relating to foot-and-mouth disease, experiment stations, and extension work of this Department). Approved June 29, 1960 (Public Law 86-533, 86th Congress).

And those who wish to continue to refuse U.S. farmworkers the same elementary protections and guarantees provided Mexican workers should also vote for this bill. For under that bill, the Department of Labor is not authorized or permitted to assure equivalent benefits for U.S. workers.

A vote for this bill is a vote for acquiescing in an Agriculture Committee effort to interpret a 27-year-old statute for which the Agriculture Committee never has had any responsibility—and about which it has had, apparently, little knowledge.

Such a vote, also, would be a vote in favor of Farm Bureau Federation dictation of U.S. labor policy—dictation in the clear interest of a few large farmers and against the clear interest of most of the Farm Bureau's own membership.

Finally, I suggest emphatically to my colleagues on both sides of the aisle that a vote for this bill is a vote for exploitation of the many for the benefit of the few. Seldom has an issue been more clear cut.

(Mr. WAINWRIGHT asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. WAINWRIGHT. Mr. Chairman, as the Representative of Long Island potato growers, and other farmers, I cannot support the position of the gentleman from Rhode Island [Mr. FOGARTY] to eliminate migrant farm labor on Long Island. None of our farmers, nor the Farm Bureau, has contacted me in regard to this bill. However, I am sure that if they realized that Long Island migrant labor would be done away with that they would have been up in arms. My vote shall be cast for a continuation of the system which allows migrants to work on Long Island during the proper seasons. Failure to permit this will cause our farms to be destroyed.

The CHAIRMAN. The time of the gentleman has expired. All time has expired.

The question is on the amendment offered by the gentleman from California [Mr. SHELLEY].

The amendment was rejected.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. EVINS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 12759) to amend title V of the Agricultural Act of 1949, as amended, and for other purposes, pursuant to House Resolution 569, he reported the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

Mr. BECKER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. BECKER. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

Mr. BECKER moves to recommit the bill H.R. 12759 to the Committee on Agriculture.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The motion was rejected.

The SPEAKER. The question is on passage of the bill.

The question was taken; and the Speaker announced that in his opinion the "ayes" had it.

Mr. YATES. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were refused.

So the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. COOLEY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

LAND GRANT INSTITUTIONS

Mr. SMITH of Virginia, from the Committee on Rules, reported the following privileged resolution (H. Res. 586, Rept. No. 2036), which was referred to the House Calendar and ordered to be printed:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10876) to amend section 22 (relating to the endowment and support of colleges of agriculture and the mechanic arts) of the Act of June 29, 1935, to increase the authorized appropriation for resident teaching grants to land grant institutions. After general debate, which shall be confined to the bill, and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

NORTH ATLANTIC TREATY NATIONS

Mr. SMITH of Virginia, from the Committee on Rules, reported the following privileged resolution (H. Res. 587, Rept. No. 2037), which was referred to the House Calendar and ordered to be printed:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the resolution (S. J. Res. 170) to authorize the participation in an international convention of representative citizens from the North Atlantic Treaty nations to examine how greater political and economic cooperation among their peoples may be promoted, to provide for the appointment of United States delegates to such convention, and for other purposes. After general debate, which shall be confined to the resolution, and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the resolution shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the resolution for amendment, the Committee shall rise and report the resolution to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the resolution and amendments thereto to final passage without intervening motion except one motion to recommit.

EXTENSION OF SUGAR ACT OF 1948 AS AMENDED

Mr. SMITH of Virginia, from the Committee on Rules, reported the following privileged resolution (H. Res. 588, Rept. No. 2038), which was referred to the House Calendar and ordered to be printed:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12311) to extend for one year the Sugar Act of 1948, as amended, and all points of order against said bill are hereby waived. That after general debate, which shall be confined to the bill, and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the bill shall be considered as having been read for amendment. No amendments shall be in order to said bill except amendments offered by direction of the Committee on Agriculture, and said amendments shall be in order, any rule of the House to the contrary notwithstanding. Amendments offered by direction of the Committee on Agriculture may be offered to any section of the bill at the conclusion of the general debate, but said amendments shall not be subject to amendment. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.

FEDERAL EMPLOYEES' COMPENSATION ACT AMENDMENTS OF 1960

Mr. SMITH of Virginia. Mr. Speaker, I call up House Resolution 572 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12383) to amend the Federal Employees' Compensation Act to make benefits more realistic in terms of present wage rates, and for other purposes. After general debate, which shall be confined to the bill, and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, the bill shall be read for amendment under the 5-

minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendment thereto to final passage without intervening motion except one motion to recommit.

Mr. SMITH of Virginia. Mr. Speaker, I yield to the gentleman from Ohio [Mr. BROWN] 30 minutes, and yield myself 1 minute.

Mr. Speaker, this resolution makes in order with 1 hour of general debate the consideration of the bill H.R. 12383, reported unanimously by the Committee on Education and Labor, approved by the Bureau of the Budget, and approved by the Navy Department. There is no objection to it from any source that I know of.

This relates to a revamping of the Federal Employees' Compensation Act, which has not been revised for many years and has some things in it that need correction.

Mr. BROWN of Ohio. Mr. Speaker, the gentleman from Virginia [Mr. SMITH], the chairman of the Committee on Rules, has explained this rule and the provisions of this bill very well. I know of no opposition to the rule on this side.

Mr. SMITH of Virginia. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

Mr. WIER. Mr. Speaker, I ask unanimous consent, with the approval of the minority members of the subcommittee, the gentleman from New Jersey [Mr. FRELINGHUYSEN] and the gentleman from New York [Mr. GOODELL], that the bill, H.R. 12383, to amend the Federal Employees' Compensation Act to make benefits more realistic in terms of present wage rates, and for other purposes, be considered in the House as in Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Employees' Compensation Act Amendments of 1960".

TITLE I—SUBSTANTIVE AMENDMENTS

Increase in minimum compensation for total disability, attendants, allowance, maintenance while undergoing vocational rehabilitation

SEC. 101. Section 6 of the Federal Employees' Compensation Act is amended by striking out "$75" in paragraph (1) of subsection (b) and inserting in lieu thereof "$125"; by striking out "$50" in paragraph (2) of subsection (b) and inserting in lieu thereof "$100"; by striking out "$112.50" in subsection (c) and inserting in lieu thereof "$180".

Increase in death benefits

SEC. 102. Section 10(K) of the Federal Employees' Compensation Act is amended by striking out "$150" and inserting in lieu thereof "$240".

Increase in burial payments

SEC. 103. Section 11 of the Federal Employees' Compensation Act is amended by striking out "$400" and inserting in lieu thereof "$800".

Increase of compensation base where injury occurred before January 1, 1958

SEC. 104. Notwithstanding any other provision of this Act or the Federal Employees' Compensation Act, the monthly pay upon the basis of which compensation for disability or death is computed under the Federal Employees' Compensation Act shall be increased as follows: If such employee's injury (or injury causing death) occurred before January 1, 1958, but after December 31, 1950, such eligible employee's "monthly pay" shall be increased by 10 percent; if such employee's injury (or injury causing death) occurred before January 1, 1951, but after December 31, 1945, such eligible employee's "monthly pay" shall be increased by 20 percent; if such employee's injury (or injury causing death) occurred before January 1, 1946, such eligible employee's "monthly pay" shall be increased by 30 percent: *Provided,* That nothing in this or any other Act of Congress shall be construed to make the increase in the monthly pay provided by this section applicable to military personnel, or to any person or employee not within the definition of section 40(b) (1) or (2) of the Federal Employees' Compensation Act: *Provided further,* That this section shall not be construed to permit the amount of compensation on account of an employee's disability or death to be increased more than 10 percent if such injury (or injury causing death) occurred before January 1, 1958, but after December 31, 1950, nor more than 20 percent if such injury (or injury causing death) occurred before January 1, 1951, but after December 31, 1945, nor more than 30 percent if such injury (or injury causing death) occurred prior to January 1, 1946.

Liberalization of minimum and maximum compensation for emergency relief workers

SEC. 105. The second proviso of the first section of the Act approved February 15, 1934 (5 U.S.C. 796) is amended by striking out "$100" in clause (a) and inserting in lieu thereof "$150"; and by striking out "$75" in clause (b) and inserting in lieu thereof "$150".

TITLE II—TECHNICAL AMENDMENTS

Clarification of scheduled awards

SEC. 201. The first sentence of section 5(a) of the Federal Employees' Compensation Act is amended by inserting after "body," the following: "regardless of whether the cause of such disability originates in a part of the body other than such member,".

Eligibility for or receipt of benefits earned under Civil Service Retirement Act not to preclude payment of compensation for scheduled losses, election by claimants eligible to receive veterans' benefits for same disability or death

SEC. 202. Section 7(a) of the Federal Employees' Compensation Act is amended to read as follows:

"SEC. 7. (a) That as long as the employee is in receipt of compensation under this Act, or, if he has been paid a lump sum in commutation of installment payments, until the expiration of the period during which such installment payments would have continued, he shall not receive from the United States any salary, pay, or remuneration whatsoever except in return for services actually performed, and except pensions for service in the Army or Navy of the United States: *Provided,* That eligibility for or receipt of benefits under the Civil Service Retirement Act shall in no way impair the employee's right to receive compensation for scheduled disabilities specified in section 5(a) of this Act: *Provided further,* That whenever any person is entitled to receive any benefits under this Act by reason of his injury, or by reason of the death of an employee, as defined in section 40, and is also entitled to receive from the United States any payments or benefits (other than the proceeds of any insurance policy), by reason of such injury or death under any other Act of Congress, because of service by him (or in the case of death, by the deceased) as an employee, as so defined, or because of service by him (or in the case of death, by the deceased) in the Armed Forces of the United States, such person shall elect which benefits he shall receive. Such election shall be made within one year after the injury or death, or such further time as the Administrator may for good cause allow, and when made shall be irrevocable unless otherwise provided by law."

Medical care to claimants receiving Civil Service annuity

SEC. 203. The first sentence of section 9(a) of the Federal Employees' Compensation Act is amended by inserting after "arisen," the following: "and notwithstanding that the employee has accepted or is entitled to receive benefits under the Civil Service Retirement Act,".

Considerations in computation of wage-earning capacity

SEC. 204. Section 13(b) of the Federal Employees' Compensation Act is amended by striking out all that follows "his usual employment," and inserting in lieu of such matter stricken out the following: "his age, his qualifications for other employment, the availability of suitable employment, and any other factors or circumstances in the case which may affect his capacity to earn wages in his disabled condition."

Notice of injury and claim for compensation in cases of latent disability

SEC. 205. Section 20 of the Federal Employees' Compensation Act is amended by inserting immediately after the first sentence thereof the following: "In cases of latent disability due to radiation or other causes, the time for filing claim shall not begin to run until the employee has a compensable disability and is aware, or by the exercise of reasonable diligence should have been aware of the causal relationship of the compensable disability to his employment: *Provided,* That the time for giving notice of injury in such cases shall begin to run as soon as the employee is aware, or in the exercise of reasonable diligence should have been aware, that his condition is causally related to his employment, regardless of whether or not there is a compensable disability."

Report of injuries

SEC. 206. Section 24 of the Federal Employees' Compensation Act is amended by inserting "(a)" after "SEC. 24." and by adding at the end thereof the following:

"(b) Whoever, being an officer or employee of the United States charged with the responsibility for making the reports specified in subsection (a), willfully fails, neglects, or refuses to make any such report or knowingly files a false report, or induces, compels, or directs an injured employee to forego filing of any claim for compensation or other benefits provided under this Act or any extension or application thereof, or willfully retains any notice, report, claim, or paper which is required to be filed under this Act or any extension or application thereof, or regulations promulgated thereunder shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than $500 or imprisoned not more than one year, or both."

Government employees required to appear as parties or witnesses in the prosecution of third-party claims

SEC. 207. The first paragraph of section 26 of the Federal Employees' Compensation Act is amended by adding at the end thereof the following: "Any employee who is required to appear as a party or witness in the prosecution of said action is, while so engaged, in an active duty status."

Additional method for computing compensation in certain cases

SEC. 208. Section 40(f) of the Federal Employees' Compensation Act is amended to read as follows:

"(f) The term 'monthly pay' shall be taken to refer to the monthly pay at the time of the injury, or the monthly pay at the time disability begins, or the monthly pay at the time compensable disability recurs, if such recurrence begins more than six months after the injured employee resumes regular full-time employment with the United States, whichever is greater, except when otherwise determined under section 6(d) with respect to any period."

Reimbursement of compensation costs by Federal agencies

SEC. 209. Section 35 of the Federal Employees' Compensation Act is amended to read as follows:

"Employees' compensation fund

"SEC. 35. (a) There is established in the Treasury a separate fund to be known as the Employees' Compensation Fund which shall consist of such sums as Congress may from time to time appropriate therefor or transfer thereto and amounts otherwise accruing thereto under this or any other Act of Congress. Such fund including all additions that may be made to it shall be available without time limit for the payment of the compensation and other benefits and expenses (except administrative expenses) authorized by this Act or any extension or application thereof except as may be provided by this or other Acts. The Secretary of the Treasury shall submit annually to the Bureau of the Budget estimates of appropriations necessary for the maintenance of the Employees' Compensation Fund.

"(b) The Secretary of the Treasury shall, prior to August 15 of each year, furnish to each executive department and each agency or instrumentality of the United States or other establishment, having employees who are or may be entitled to compensation benefits under this Act or any extension or application thereof (hereinafter called 'agency'), a statement showing the total cost of benefits and other payments made from the Employees' Compensation Fund during the preceding fiscal year on account of the injury or death of employees or persons under the jurisdiction of such agency occurring after July 1, 1960. Each agency shall include in its annual budget estimates for the next fiscal year a request for an appropriation in an amount equal to such costs. Sums appropriated pursuant to such request shall, within thirty days after they become available, be deposited in the Treasury to the credit of the Employees' Compensation Fund. In the case of any corporation or other agency which is not dependent upon an annual appropriation, the deposit to the credit of the Employees' Compensation Fund required by this subsection shall be made by such agency from funds under its control. Af any agency or part thereof or any of its functions is transferred to another agency, the cost of compensation benefits and other expenses paid from the Employees' Compensation Fund on account of the injury or death of employees of the transferred agency or function shall be included in costs of the receiving agency.

"(c) In addition to the contributions for the maintenance of the Employees' Compensation Fund required by this section, any mixed ownership corporation as defined in section 201 of the Government Corporation Control Act (31 U.S.C. 856), or any corporation or agency (or activity thereof) which is required by law to submit an annual budget pursuant to, or as provided by, the Government Corporation Control Act (31 U.S.C. 841–869), shall pay an additional amount for its fair share of the cost of administration of this Act as determined by the Secretary of Labor. With respect to said agencies, the charges billed by the Secretary of Labor pursuant to this section shall include an additional amount for such costs, which shall be paid into the Treasury as miscellaneous receipts from the sources authorized, and in the manner otherwise provided in this section."

Effective date

SEC. 210. (a) Except as otherwise provided by this section or in this Act, titles I and II of this Act shall take effect on the date of enactment of this Act and be applicable to any injury or death occurring after such date.

(b) The amendments made by sections 101, 102, 201, 203, 204, and 208 of this Act to sections 5(a), 6(b)(1), 6(b)(2), 6(c), 9(a), 10(k), 13(b), and 40(f) of the Federal Employees' Compensation Act shall be applicable to cases of injury or death occurring before the date of enactment of this Act only with respect to any period beginning on or after the first day of the first calendar month following the date of enactment of this Act.

(c) The amendments made by sections 104 and 105 of this Act shall be applicable to cases of injury or death occurring before enactment of this Act only with respect to any period beginning on or after the first day of the first calendar month following the date of enactment of this Act.

(d) The amendment made by section 202 of this Act to section 7(a) of the Federal Employees' Compensation Act permitting the payment of compensation for scheduled permanent disabilities in addition to benefits under the Civil Service Retirement Act shall be applicable to any injury which occurred within three years prior to the date of enactment of this Act as well as to any injury occurring on or after the date of enactment of this Act.

(e) The amendment made by section 202 of this Act to section 7(a) of the Federal Employees' Compensation Act requiring an election of benefits in any case in which a claimant for compensation is also eligible to receive certain payments or benefits from the United States for the same disability or death shall be applicable to any injury or death occurring before, on, or after the date of enactment of this Act but shall not deprive any person of any benfits awarded prior to the date of enactment of this Act.

Mr. WIER (interrupting the reading of the bill). Mr. Speaker, I ask unanimous consent to dispense with the further reading of the bill and that it be printed in the RECORD and be open to amendment at any point.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. WIER. Mr. Speaker, I offer certain committee amendments.

The SPEAKER. The Clerk will report the committee amendments.

The Clerk read as follows:

Committee amendments offered by Mr. WIER: On page 9, line 2, strike out the words "the Treasury" and insert "Labor."

On page 9, line 6, make same change.

On page 9, line 16, strike out "July 1, 1960" and insert the date "December 1, 1960."

On page 10, in line 24, change section 210 to read section 211 and add a new section 210 to read as follows:

"SEC. 210. Section 42 of the Federal Employees Compensation Act is amended by striking out the last sentence of the fourth paragraph thereof."

On page 11, line 4, strike out the word "and" and following the number "208" insert "and 210" and in line 5 strike out the word "and" and following the number "40(F)" insert "and 42".

Mr. WIER. Mr. Speaker, these are clarification amendments. The committee made a mistake in calling the Secretary of the Treasury instead of the Secretary of Labor. So we have stricken out "Treasury" and inserted "Labor."

The same thing occurs in line 6. We are striking that out and substituting in lieu thereof "Secretary of Labor."

In line 16, the original date of this bill was to be July 1, 1960. We have stricken out July 1, 1960, and substituted December 1, 1960.

The amendments that the Clerk just read on page 11, beginning in line 3, are changes in the present law to make possible amendments that affect Puerto Rican nationalists and citizens of the United States who the Department of Labor says should be covered by this act.

The SPEAKER. The question is on the committee amendments.

The committee amendments were agreed to.

Mr. WIER. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, this bill comes to the floor this afternoon quite different from the original bill H.R. 10705. Our subcommittee of six members had meetings with the Bureau of the Budget and the Department of Labor. Our subcommittee has worked out a bill very much reduced from the original bill. This bill comes to you with the approval of the Department of the Budget, the Department of Labor, Mr. McCauley, Administrator of the Federal Employees Compensation Bureau, and it comes to you unanimously approved by the subcommittee and unanimously approved by the full committee, which is quite exceptional in the House.

The bill does this: The Federal employees compensation bill is a bill of quite long standing. The last time this bill was revised—and that is what this bill calls for, a revision of present weaknesses in the present employees compensation bill—the last time this bill was revised was in 1949. Employees, both classified and Post Office employees have and are now receiving their benefits from injuries or sickness due to service-connected disability, based upon the pay received. We have made three revisions in this field. We can take John Doe, a Federal employee who was injured in 1948, it may be a man or it may be a woman. At the time of injury and eligibility for benefits, those benefits were derived at the base pay. No increases at all. So in 1949 we made some little revision but we did not pick up those people who are bedridden cases or wheel-

chair cases or seriously affected by injuries or illness.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. WIER. I yield.

Mr. GROSS. Can the gentleman tell me whether this bill will result in any increased cost?

Mr. WIER. Yes. It is estimated that the entire cost of the bill we are presenting to you will be about $4 million a year. It protects all employees of the Government. There are approximately 106,000 people who draw benefits each year under the Federal Employees Compensation Act.

Mr. GROSS. Is that $4 million a year a one-shot proposition or is it a continuing increased cost?

Mr. WIER. It will be a continuing proposition of about $4 million a year.

Mr. GROSS. Mention is made in the bill of a separate fund being set up in the Treasury. Will this cause additional cost?

Mr. WIER. The answer to the question is that it will not. The proposal is that the Department of Labor, and Mr. McCauley of the Unemployment Compensation Bureau, have requested, after careful study and review, that a policy be established of charging agencies and departments of the Government for compensation paid to their injured employees.

The SPEAKER. The gentleman from Minnesota has consumed 5 minutes.

(By unanimous consent, Mr. WIER was allowed to proceed for 3 additional minutes.)

Mr. WIER. The Department of Labor feels that a great saving can be accomplished under such a policy. Each year each department, bureau, or agency will be charged for the benefits paid its injured employees under the Compensation Act, and that agency will be compelled to repay that money out of their appropriations.

Mr. GROSS. I thank the gentleman.

Mr. FRELINGHUYSEN. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, as the gentleman from Minnesota has pointed out, this bill corrects certain inequities in the basic law, the Federal Employees Compensation Act, to bring the act up to date.

A subcommittee had hearings on this subject, and the bill which we have before us today represents a substantial compromise on the amounts originally proposed in this area. It was reported out of the subcommittee unanimously, and out of the full committee unanimously, and I think it represents a relatively noncontroversial proposal.

Those employees who were injured prior to 1945 are paid benefits on wage scales that are substantially lower than they are now.

I know of no substantial objection to the bill and I hope it will be acted on favorably.

Mr. HOFFMAN of Michigan. Mr. Speaker, I rise in opposition to the pro forma amendment.

(Mr. HOFFMAN of Michigan asked and was given permission to revise and extend his remarks.)

Mr. HOFFMAN of Michigan. Mr. Speaker, it is true that this bill came from the subcommittee and the full committee without any objection. Because, although I am a member of that committee, I have found it useless in the Commitee on Education and Labor, made up as it is in membership, to oppose much of anything. That does not mean that I favor the bill.

There is one good thing I know about this bill. There is no doubt in my mind about that. This money that will be paid out, the taxpayers' money, will go to people at home. My friend from Iowa [Mr. GROSS] should realize that this is something for the benefit of our own people.

Mr. GROSS. I am glad to have that recommendation for the bill.

Mr. HOFFMAN of Michigan. The gentleman from New Jersey, who probably knows as much or more about this legislation as anyone, said it is a bill to correct inequities. I do not know of any inequities that we are correcting. Are we?

Mr. FRELINGHUYSEN. In some cases the amount of compensation is presently substantially lower than it will be under the revised schedule. I do not know whether you would call that a correction of inequities or not.

Mr. HOFFMAN of Michigan. I think I understand. The cost of living has gone up, and these benefits are increased because of that. That is the only reason it is not right to say inequities.

As I get the situation, the cost of living has gone up, we have inflation and every dollar that you take out of the Federal Treasury tends to increase that. I remember not so long ago we were told that business, industry and labor should hold the line because any addition along these lines, either to prices or wages, caused inflation. But I was also told, if I remember correctly, that, when the Government spent money, it did not have anything to do with inflation. I have never been able to reconcile those two statements.

I assume the bill will pass almost unanimously, but I want to call your attention to the fact that we ourselves are not only increasing inflation, we are shoving the cost of living up and up. Before too long we will realize what we are doing, we will meet what inevitably will happen. You will have a depression that will shake your teeth, if they are store teeth, right out of your head, and some of your natural ones, too.

That is all I want to say. I just want the record clear.

Mr. GOODELL. Mr. Speaker, I move to strike out the last word.

Mr. Speaker, there was a reference made to inequities. It shoudl be pointed out this bill does a good many things besides raise the compensation level for our Federal employees. There is quite an inequity presently existing in the law between those employees who were injured prior to World War II and those employees who were permanently disabled subsequent to World War II.

In the 5-year period starting prior to 1921, if a person was injured while in Federal employment, in the performance of his duty, and he was permanently and totally disabled, he receives today $134 a month, while a person who was injured say, for example, after 1959, today he receives $270 for the same permanent and total injury. This bill is designed to try to bring these groups together so that there is less differentiation according to when you were injured. Those who were injured when their pay scales were at a lower rate, and the compensation figures at two-thirds of your monthly pay, will be brought closer to those who were injured later.

This is perhaps the greatest inequity to be corrected by this bill. Those who were injured prior to 1946 will receive a 30-percent increase in their compensation rate. Those prior to 1951 will receive 20 percent, and those prior to 1958 10 percent. There is no increase for those injured after January 1, 1958.

There are several other features in this bill of a technical nature. To give an example, today if there is a latent injury while an employee is performing his duties as a Federal employee, he has 60 days to report it after the date he is injured. Of course, if it is a latent injury he does not know he was injured, he does not report it, and he is not eligible for compensation.

We are amending the law in this respect to provide that he must report it within 60 days after he is aware or by the exercise of reasonable diligence he should have been aware that he was injured. We are providing a charge-back procedure so that each one of the Federal departments will be responsible for their own safety. They will have to charge and report in their own budgets the amount that is being paid out of the compensation fund for employees in that department. As a result, the Department of Agriculture, which has an unusually high number of employees that are receiving Federal compensation for disability, will be put on notice every year and have to include this in their budget. Presumably this is going to stimulate some further interest in safety measures.

We do require a criminal penalty for willful failure to report injuries on the part of the various employers, the various officers and employees in the Government who are in a supervisory capacity. I think generally it is an excellent bill. It is an improvement over the old act. The 1949 revision was a good one and it should have been revised again in the interim. It is long overdue, and I urge the support of the Congress for this bill.

Mr. GRIFFIN. Mr. Speaker, I rise to associate myself with the remarks of the gentleman from New York [Mr. GOODELL] and to indicate my support for the bill under consideration which will provide equitable adjustments in the rates of compensation paid to employees of the Federal Government—other than military personnel—who are injured in the performance of their duties and the dependents of those who died as a result of such injuries.

The members of the Safety and Compensation Subcommittee of the Committee on Education and Labor deserve the commendation of the House for their diligent and able work on this legislation.

The bill is fair; it is sound; its enactment is strongly advocated by the Department of Labor.

Mr. Speaker, I urge my colleagues to vote for this bill.

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. HOFFMAN of Michigan. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HOFFMAN of Michigan: On page 2, line 13, strike out "$800" and insert "$600".

(Mr. HOFFMAN of Michigan asked and was given permission to revise and extend his remarks.)

Mr. HOFFMAN of Michigan. Mr. amendment is offered merely to emphasize the situation as it actually exists. There is no question of equalization here except the single one of increasing the benefits to meet the increased cost of living. Is that not right, I ask the very distinguished and able gentleman from New Jersey?

Mr. FRELINGHUYSEN. Mr. Speaker, if the gentleman will yield, this section refers to death benefits.

Mr. HOFFMAN of Michigan. Yes, I know. Well, I did not have my question quite right. The bill just increases the benefits to meet the increase in the cost of living. This particular amendment applies to the burial cost. We have it from the cradle to the grave, and this is after the grave.

Mr. FRELINGHUYSEN. That is correct.

Mr. HOFFMAN of Michigan. It is to equalize the benefit now with what it costs to bury one; is that right?

Mr. FRELINGHUYSEN. To bring it up to a more realistic figure as to actual burial expenses. The gentleman is correct.

Mr. WIER. Mr. Speaker, if the gentleman will yield, I might mention that I oppose the amendment and I want to say honestly that these payments are at the discretion of the Secretary of Labor and the administrator of the fund.

Mr. HOFFMAN of Michigan. Oh, I know. Everybody wants to give somebody something, especially if he does not have to pay for it himself. The only point I am trying to make is that day after day by bill after bill we are adding to the inflationary trend.

I yield back the balance of my time.

Mr. GOODELL. Mr. Speaker, I rise in opposition to the amendment.

Mr. Speaker, the reason we increased the amount as we did to $800 for burial allowance is because virtually everyone today who is covered by social security receives $255 burial allowance from social security. In addition, our State compensation programs allow an additional burial allowance to the social security allowance. Our Federal employees are not eligible for that allowance, and this is for the employee who is killed in the performance of his duty as a Federal employee and his death results from the injury as a Federal employee. It is to pay somewhat near the total cost of his burial and certainly $400 today is considered an inadequate amount.

The SPEAKER. The question is on the amendment offered by the gentleman from Michigan [Mr. HOFFMAN].

The amendment was rejected.

The SPEAKER. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. WIER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

EXTENSION OF VETERANS' GUARANTEED AND DIRECT LOAN PROGRAM

Mr. TRIMBLE. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 576 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon the adoption of this resolution, it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7903) to amend chapter 37 of title 38, United States Code, to extend the veterans' guaranteed and direct loan program for two years, and all points of order against said bill are hereby waived. That after general debate, which shall be confined to the bill, and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Veterans' Affairs, the bill shall be considered as having been read for amendment. No amendment shall be in order to said bill except amendments offered by direction of the Committee on Veterans' Affairs, and said amendments shall be in order, any rule of the House to the contrary notwithstanding. Amendments offered by direction of the Committee on Veterans' Affairs may be offered to any section of the bill at the conclusion of the general debate, but said amendments shall not be subject to amendment. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

(Mr. TRIMBLE asked and was given permission to revise and extend his remarks.)

Mr. TRIMBLE. Mr. Speaker, I yield myself such time as I may consume and, pending that, I yield 30 minutes to the gentleman from Ohio [Mr. BROWN].

Mr. Speaker, House Resolution 576 provides for the consideration of H.R. 7903, a bill to amend chapter 37 of title 38, United States Code, to extend the veterans' guaranteed and direct loan program for 2 years. The resolution provides for a closed rule, waiving points of order, with 1 hour of general debate.

The veterans' guaranteed home loan program was authorized by the Servicemen's Readjustment Act of 1944 and provides that veterans of World War II could obtain assistance from the Veterans' Administration in the purchase of a home by obtaining a guarantee on a portion of the loan.

The program was authorized for a period of 10 years after the termination of World War II; the program was extended for 1 year by the 84th Congress; it was further extended by the 85th Congress for a period of 2 years and, under present law, the program is due to expire July 25, 1960.

To date, out of 14,330,000 World War II veterans, only 4,955,300 have used their entitlement benefits—35 percent of the total number of World War II veterans.

It will take some time for the recent interest rate increase to induce lenders to come back into the veterans' guaranteed loan program. It is felt that, since the present program will expire July 25, this does not give the qualified veterans sufficient time to use their loan benefits and that an extension of the program is necessary to assist this group.

H.R. 7903 would extend the program until July 25, 1962 so that a veteran who makes application on or before that date will have until July 25, 1963, to close his loan.

Mr. Speaker, I urge the adoption of House Resolution 576.

Mr. BROWN of Ohio. Mr. Speaker, the gentleman from Arkansas [Mr. TRIMBLE] has explained this rule and the bill which it makes in order. The bill, as I understand, was reported by a unanimous vote of the Committee on Veterans' Affairs. It would extend for 2 years the veterans' guaranteed and direct loan program in areas where it is impossible for veterans to get loans through other sources.

I know of no opposition to the rule.

Mr. HOFFMAN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Ohio. I yield to the gentleman.

Mr. HOFFMAN of Michigan. Is this strictly a loan bill?

Mr. BROWN of Ohio. No; it is a direct loan, or extension of the veterans' direct loan program on housing in certain areas where ex-servicemen cannot get loans.

Mr. HOFFMAN of Michigan. That is all it does?

Mr. BROWN of Ohio. That is right. It extends the present law for 2 years.

Mr. Speaker, I know of no opposition to the rule and, therefore, I yield back the balance of my time.

Mr. TRIMBLE. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts [Mr. MCCORMACK].

HOUR OF MEETING AND PROGRAM FOR TOMORROW

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourns to meet tomorrow at 10:30 a.m.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. GROSS. Mr. Speaker, reserving the right to object, what will be the program for tomorrow?

Mr. McCORMACK. Mr. Speaker, I believe the gentleman from Indiana [Mr. HALLECK] was going to ask me that question.

Mr. HALLECK. Mr. Speaker, will the gentleman yield to me?

Mr. GROSS. Yes; I am glad to yield to the gentleman.

Mr. HALLECK. Mr. Speaker, the majority leader spoke to me about coming in early tomorrow, suggesting first of all 10 o'clock. I suggested to him that we, on our side of the aisle, have called a conference of our Members for 9:30 in the morning. So the hour was fixed at 10:30 for the House to meet. It was also discussed that probably the conference report on the Defense Department appropriation bill would be ready tomorrow and perhaps a conference report on another appropriation bill, the general government agencies appropriation bill.

Mr. McCORMACK. And the Private Calender, let me say.

Mr. HALLECK. It was heretofore arranged under unanimous-consent agreement to call the Private Calendar tomorrow. Then, I understand, it is expected to call the minimum wage coverage bill, and we would hope to follow that with the sugar bill. I certainly hope that can be brought to passage tomorrow because there are certain circumstances attending that which would indicate to me that action ought to be completed on it.

Mr. McCORMACK. That is correct. The rule was reported out this morning. Assistant Secretary of State Macomber called me on the telephone and I assured him I would cooperate in every way possible. The program for tomorrow certainly shows the cooperative spirit of my colleague.

Mr. HALLECK. I should like to say further, as far as I am concerned at this time, as all through this session, I have tried to cooperate in expediting the work of the House of Representatives to the end that we could adjourn as quickly as possible. I certainly am going to continue to bend every effort I can in that direction.

Mr. McCORMACK. The gentleman from Indiana certainly has cooperated. There has never been any difficulty among the leadership. The leadership on both sides understand the responsibilities of leadership. There is a profound understanding on the part of the gentleman from Indiana and the leadership on this side. As far as the leadership on our side is concerned, I am sure the gentleman from Indiana [Mr. HALLECK] and the former Speaker and minority leader, the gentleman from Massachusetts [Mr. MARTIN] will admit that whether we are in the minority or majority we always cooperate.

Mr. BROWN of Ohio. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield.

Mr. BROWN of Ohio. The sugar bill should not be very difficult to consider once we get this other legislation out of the way, because the House, I think, should know that the pending sugar bill was reported unanimously by the Committee on Agriculture—I think the first unanimous report we have had in this Congress from that committee—and it comes here under a resolution unanimously adopted by the Committee on Rules. The resolution provides that the measure shall be considered for only 1 hour, under a so-called closed rule waiving all points of order. I do not think there will be much debate or many amendments to the bill.

Mr. McCORMACK. We will take up other legislation tomorrow, and that will be announced later.

Mr. GROSS. It seems to me that the request to come in early tomorrow morning also involves the question of the adjournment of the Congress. I wonder if the majority leader can give us any information as to adjournment.

Mr. McCORMACK. I cannot say anything as to that yet, except to say that we recognize that we cannot adjourn sine die due to the fact that the other body has four appropriation bills that have not been acted upon and it has other important legislation which is yet to be considered, so it would be impossible to dispose of that legislation there between now and the time the Democratic convention meets. If the President signs the pay raise bill for postal and classified employees tomorrow that would be very helpful. On the other hand, if he vetoes it, and if the veto message comes up this week, it will then be acted upon, and a resolution will be introduced providing for an adjournment starting Saturday, to what date I do not know.

Mr. GROSS. An adjournment or a recess?

Mr. McCORMACK. The gentleman calls it a recess, and, of course, that is what it would be, to a certain time.

Mr. GROSS. What would be the dates?

Mr. McCORMACK. As to when we would adjourn to?

Mr. GROSS. From when to when?

Mr. McCORMACK. I will be frank to say that at this time I am unable to do so. In my own mind I have a date, but I would rather not state it now because it is a matter of discussion.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that when the House adjourns today it adjourn to meet at 10:30 o'clock tomorrow. Is there objection?

There was no objection.

EXTENSION OF VETERANS' GUARANTEED AND DIRECT LOAN PROGRAM

Mr. TRIMBLE. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

Mr. TEAGUE of Texas. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7903) to amend chapter 37 of title 38, United States Code, to extend the veterans' guaranteed and direct loan program for 2 years.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 7903, with Mr. BENNETT of Florida in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule the gentleman from Texas [Mr. TEAGUE] will be recognized for 30 minutes and the gentlewoman from Massachusetts [Mrs. ROGERS] for 30 minutes.

The gentleman from Texas [Mr. TEAGUE] is recognized.

Mr. TEAGUE of Texas. Mr. Chairman, I yield myself such time as I may require.

The CHAIRMAN. The gentleman from Texas is recognized.

Mr. TEAGUE of Texas. Mr. Chairman, we have before us for consideration H.R. 7903, which was reported by my committee. This bill pertains to the Veterans' Administration home loan program. In order that the importance of this legislation may be better understood, I would like to review the history of the veterans' home loan program from its inception.

After World War II the returning veterans found themselves at a great disadvantage in trying to purchase homes. This disadvantage prevailed because they had no money for downpayments to compete with the defense workers who had higher paying jobs and who were therefore able to accumulate a sizable saving for a downpayment on a home. Further, homes were scarce and builders were unable to obtain commitments to build a sufficient number of homes to be financed with conventional financing and low downpayments. In order to assist the returning veteran to readjust to civilian life, Congress passed the Servicemen's Readjustment Act of 1944. This act included numerous benefits, such as the vast educational programs with which everybody is familiar, unemployment compensation, and loan guarantee benefits. This act was to run for 10 years after the date of termination of World War II, which was later established as July 25, 1947.

The Veterans' Administration loan guarantee program originally provided a guarantee to a private lender who was willing to finance the purchase of a

H. R. 12383

AN ACT

86TH CONGRESS
2D SESSION

H. R. 12383

IN THE SENATE OF THE UNITED STATES

JUNE 30, 1960

Read twice and referred to the Committee on Labor and Public Welfare

AN ACT

To amend the Federal Employees' Compensation Act to make benefits more realistic in terms of present wage rates, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Employees' Compensation Act Amendments of 1960".

TITLE I—SUBSTANTIVE AMENDMENTS

Increase in Minimum Compensation for Total Disability, Attendants, Allowance, Maintenance While Undergoing Vocational Rehabilitation

SEC. 101. Section 6 of the Federal Employees' Compensation Act is amended by striking out "$75" in para-

graph (1) of subsection (b) and inserting in lieu thereof "$125"; by striking out "$50" in paragraph (2) of subsection (b) and inserting in lieu thereof "$100"; by striking out "$112.50" in subsection (c) and inserting in lieu thereof "$180".

Increase in Death Benefits

SEC. 102. Section 10(K) of the Federal Employees' Compensation Act is amended by striking out "$150" and inserting in lieu thereof "$240".

Increase in Burial Payments

SEC. 103. Section 11 of the Federal Employees' Compensation Act is amended by striking out "$400" and inserting in lieu thereof "$800".

Increase of Compensation Base Where Injury Occurred Before January 1, 1958

SEC. 104. Notwithstanding any other provision of this Act or the Federal Employees' Compensation Act, the monthly pay upon the basis of which compensation for disability or death is computed under the Federal Employees' Compensation Act shall be increased as follows: If such employee's injury (or injury causing death) occurred before January 1, 1958, but after December 31, 1950, such eligible employee's "monthly pay" shall be increased by 10 percent; if such employee's injury (or injury causing death) occurred before January 1, 1951, but after December 31,

1945, such eligible employee's "monthly pay" shall be increased by 20 percent; if such employee's injury (or injury causing death) occurred before January 1, 1946, such eligible employee's "monthly pay" shall be increased by 30 percent: *Provided*, That nothing in this or any other Act of Congress shall be construed to make the increase in the monthly pay provided by this section applicable to military personnel, or to any person or employee not within the definition of section 40 (b) (1) or (2) of the Federal Employees' Compensation Act: *Provided further*, That this section shall not be construed to permit the amount of compensation on account of an employee's disability or death to be increased more than 10 percent if such injury (or injury causing death) occurred before January 1, 1958, but after December 31, 1950, nor more than 20 percent if such injury (or injury causing death) occurred before January 1, 1951, but after December 31, 1945, nor more than 30 percent if such injury (or injury causing death) occurred prior to January 1, 1946.

Liberalization of Minimum and Maximum Compensation for Emergency Relief Workers

SEC. 105. The second proviso of the first section of the Act approved February 15, 1934 (5 U.S.C. 796) is amended by striking out "$100" in clause (a) and inserting

in lieu thereof "$150"; and by striking out "$75" in clause (b) and inserting in lieu thereof "$150".

TITLE II—TECHNICAL AMENDMENTS

Clarification of Scheduled Awards

SEC. 201. The first sentence of section 5(a) of the Federal Employees' Compensation Act is amended by inserting after "body," the following: "regardless of whether the cause of such disability originates in a part of the body other than such member,".

Eligibility For or Receipt of Benefits Earned Under Civil Service Retirement Act Not To Preclude Payment of Compensation for Scheduled Losses, Election by Claimants Eligible to Receive Veterans' Benefits for Same Disability or Death

SEC. 202. Section 7 (a) of the Federal Employees' Compensation Act is amended to read as follows:

"SEC. 7. (a) That as long as the employee is in receipt of compensation under this Act, or, if he has been paid a lump sum in commutation of installment payments, until the expiration of the period during which such installment payments would have continued, he shall not receive from the United States any salary, pay, or remuneration whatsoever except in return for services actually performed, and except pensions for service in the Army or Navy of the United States: *Provided,* That eligibility for or receipt of

benefits under the Civil Service Retirement Act shall in no way impair the employee's right to receive compensation for scheduled disabilities specified in section 5(a) of this Act: *Provided further,* That whenever any person is entitled to receive any benefits under this Act by reason of his injury, or by reason of the death of an employee, as defined in section 40, and is also entitled to receive from the United States any payments or benefits (other than the proceeds of any insurance policy), by reason of such injury or death under any other Act of Congress, because of service by him (or in the case of death, by the deceased) as an employee, as so defined, or because of service by him (or in the case of death, by the deceased) in the Armed Forces of the United States, such person shall elect which benefits he shall receive. Such election shall be made within one year after the injury or death, or such further time as the Administrator may for good cause allow, and when made shall be irrevocable unless otherwise provided by law."

Medical Care to Claimants Receiving Civil Service Annuity

SEC. 203. The first sentence of section 9(a) of the Federal Employees' Compensation Act is amended by inserting after "arisen," the following: "and notwithstanding that the employee has accepted or is entitled to receive benefits under the Civil Service Retirement Act,".

Considerations in Computation of Wage-Earning Capacity

SEC. 204. Section 13 (b) of the Federal Employees' Compensation Act is amended by striking out all that follows "his usual employment," and inserting in lieu of such matter stricken out the following: "his age, his qualifications for other employment, the availability of suitable employment, and any other factors or circumstances in the case which may affect his capacity to earn wages in his disabled condition."

Notice of Injury and Claim for Compensation in Cases of Latent Disability

SEC. 205. Section 20 of the Federal Employees' Compensation Act is amended by inserting immediately after the first sentence thereof the following: "In cases of latent disability due to radiation or other causes, the time for filing claim shall not begin to run until the employee has a compensable disability and is aware, or by the exercise of reasonable diligence should have been aware of the causal relationship of the compensable disability to his employment: *Provided*, That the time for giving notice of injury in such cases shall begin to run as soon as the employee is aware, or in the exercise of reasonable diligence should have been aware, that his condition is causally related to his employment, regardless of whether or not there is a compensable disability."

Report of Injuries

SEC. 206. Section 24 of the Federal Employees' Compensation Act is amended by inserting "(a)" after "SEC. 24." and by adding at the end thereof the following:

"(b) Whoever, being an officer or employee of the United States charged with the responsibility for making the reports specified in subsection (a), willfully fails, neglects, or refuses to make any such report or knowingly files a false report, or induces, compels, or directs an injured employee to forego filing of any claim for compensation or other benefits provided under this Act or any extension or application thereof, or willfully retains any notice, report, claim, or paper which is required to be filed under this Act or any extension or application thereof, or regulations promulgated thereunder shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than $500 or imprisoned not more than one year, or both."

Government Employees Required To Appear as Parties or Witnesses in the Prosecution of Third-Party Claims

SEC. 207. The first paragraph of section 26 of the Federal Employees' Compensation Act is amended by adding at the end thereof the following: "Any employee who is required to appear as a party or witness in the prosecution of said action is, while so engaged, in an active duty status."

Additional Method for Computing Compensation in Certain Cases

SEC. 208. Section 40(f) of the Federal Employees' Compensation Act is amended to read as follows:

"(f) The term 'monthly pay' shall be taken to refer to the monthly pay at the time of the injury, or the monthly pay at the time disability begins, or the monthly pay at the time compensable disability recurs, if such recurrence begins more than six months after the injured employee resumes regular full-time employment with the United States, whichever is greater, except when otherwise determined under section 6(d) with respect to any period."

Reimbursement of Compensation Costs by Federal Agencies

SEC. 209. Section 35 of the Federal Employees' Compensation Act is amended to read as follows:

"Employees' Compensation Fund

"SEC. 35. (a) There is established in the Treasury a separate fund to be known as the Employees' Compensation Fund which shall consist of such sums as Congress may from time to time appropriate therefor or transfer thereto and amounts otherwise accruing thereto under this or any other Act of Congress. Such fund including all additions that may be made to it shall be available without time limit for the payment of the compensation and other benefits and expenses (except administrative expenses) authorized by this Act or

any extension or application thereof except as may be provided by this or other Acts. The Secretary of Labor shall submit annually to the Bureau of the Budget estimates of appropriations necessary for the maintenance of the Employees' Compensation Fund.

"(b) The Secretary of Labor shall, prior to August 15 of each year, furnish to each executive department and each agency or instrumentality of the United States or other establishment, having employees who are or may be entitled to compensation benefits under this Act or any extension or application thereof (hereinafter called 'agency'), a statement showing the total cost of benefits and other payments made from the Employees' Compensation Fund during the preceding fiscal year on account of the injury or death of employees or persons under the jurisdiction of such agency occurring after December 1, 1960. Each agency shall include in its annual budget estimates for the next fiscal year a request for an appropriation in an amount equal to such costs. Sums appropriated pursuant to such request shall, within thirty days after they become available, be deposited in the Treasury to the credit of the Employees' Compensation Fund. In the case of any corporation or other agency which is not dependent upon an annual appropriation, the deposit to the credit of the Employees' Compensation Fund required by this subsection shall be made by such

agency from funds under its control. If any agency or part thereof or any of its functions is transferred to another agency, the cost of compensation benefits and other expenses paid from the Employees' Compensation Fund on account of the injury or death of employees of the transferred agency or function shall be included in costs of the receiving agency.

"(c) In addition to the contributions for the maintenance of the Employees' Compensation Fund required by this section, any mixed ownership corporation as defined in section 201 of the Government Corporation Control Act (31 U.S.C. 856), or any corporation or agency (or activity thereof) which is required by law to submit an annual budget pursuant to, or as provided by, the Government Corporation Control Act (31 U.S.C. 841–869), shall pay an additional amount for its fair share of the cost of administration of this Act as determined by the Secretary of Labor. With respect to said agencies, the charges billed by the Secretary of Labor pursuant to this section shall include an additional amount for such costs, which shall be paid into the Treasury as miscellaneous receipts from the sources authorized, and in the manner otherwise provided in this section."

Effective Date

SEC. 210. Section 42 of the Federal Employees' Compensation Act is amended by striking out the last sentence of the fourth paragraph thereof.

SEC. 211. (a) Except as otherwise provided by this section or in this Act, titles I and II of this Act shall take effect on the date of enactment of this Act and be applicable to any injury or death occurring after such date.

(b) The amendments made by sections 101, 102, 201, 203, 204, 208, and 210 of this Act to sections 5(a), 6(b)(1), 6(b)(2), 6(c), 9(a), 10(k), 13(b), 40(f), and 42 of the Federal Employees' Compensation Act shall be applicable to cases of injury or death occurring before the date of enactment of this Act only with respect to any period beginning on or after the first day of the first calendar month following the date of enactment of this Act.

(c) The amendments made by sections 104 and 105 of this Act shall be applicable to cases of injury or death occurring before enactment of this Act only with respect to any period beginning on or after the first day of the first calendar month following the date of enactment of this Act.

(d) The amendment made by section 202 of this Act

to section 7 (a) of the Federal Employees' Compensation Act permitting the payment of compensation for scheduled permanent disabilities in addition to benefits under the Civil Service Retirement Act shall be applicable to any injury which occurred within three years prior to the date of enactment of this Act as well as to any injury occurring on or after the date of enactment of this Act.

(e) The amendment made by section 202 of this Act to section 7 (a) of the Federal Employees' Compensation Act requiring an election of benefits in any case in which a claimant for compensation is also eligible to receive certain payments or benefits from the United States for the same disability or death shall be applicable to any injury or death occurring before, on, or after the date of enactment of this Act but shall not deprive any person of any benefits awarded prior to the date of enactment of this Act.

Passed the House of Representatives June 29, 1960.

Attest: RALPH R. ROBERTS,

Clerk.

86TH CONGRESS
2D SESSION

H. R. 12383

AN ACT

To amend the Federal Employees' Compensation Act to make benefits more realistic in terms of present wage rates, and for other purposes.

JUNE 30, 1960

Read twice and referred to the Committee on Labor and Public Welfare

14. PERSONNEL. Agreed to Senate amendments to H. R. 7758, to improve the administration of overseas Government activities by providing for the establishment of a coordinated and uniform system for more effectively compensating Government employees for additional costs, and for hardships and inconvenience, incident to their working assignments in overseas areas and providing for uniformity of treatment for all overseas employees to the extent justified by relative conditions of employment. This bill will now be sent to the President. p. 16631

15. FOREIGN SERVICE. Received the conference report on S. 2633, to amend the Foreign Service Act of 1946, relating to Foreign Service Staff Officers and to the Foreign Service retirement system (H. Rept 2633). pp. 16631-8

16. OLD-AGE ASSISTANCE. By a vote of 368 to 17, agreed to the conference report on H. R. 12580, to provide Federal grants to States for medical care for aged individuals of low income. pp. 16655-66

17. COPYRIGHTS. Agreed to Senate amendments to H. R. 4059, to amend title 28 of the U. S. Code so as to protect copyrights from Government infringement by waiving the soverign immunity of the U. S. for infringement of copyrights. This bill will now be sent to the President. p. 16673

18. WILDLIFE. Agreed to the Senate amendments to H. R. 12533, to amend the Migratory Bird Treaty Act to increase the penalties for violation of that Act. This bill will now be sent to the President. pp. 16673-4

House conferees were appointed on H. R. 2565, to promote effectual planning, development, maintenance, and coordination of wildlife, fish, and game conservation and rehabilitation in military reservations (p. 16674). Senate conferees have not been appointed.

Rep. Reuss called the attention of Congress to an agreement between Interior and this Department regarding the drainage of potholes which are the breeding habitat of wild ducks. pp. 16696-7

19. TRANSPORTATION. House conferees were appointed on H. R. 5068, to amend the Shipping Act of 1916, to provide for licensing independent foreign freight forwarders. (p. 16674) Senate conferees have not been appointed.

20. TEXTILES; IMPORTS. Rep. Brown, Ga., criticized the Tariff Commission's decision on cotton imports and called on Congress to "act to make our foreign trade policy truly reciprocal" and to "prevent basic American industries... from being sacrificed to foreign policy." pp. 16686-7

Rep. Bailey criticized "internationalists" for "trying to buy friendship abroad at the expense of American industry and American worker's jobs" and requested that Congress materially change or completely junk the Reciprocal Trade Agreements Act. pp. 16694-6

21. LANDS. The Interior and Insular Affairs Committee reported without amendment H. R. 12091, to further amend the Act authorizing the conveyance of certain Agricultural Research Service lands to Miles City, Mont., in order to extend for one year the authority under such Act (H. Rept. 2168). p. 16712

22. WATERSHEDS. The Agriculture Committee approved watershed projects in Okla., Miss., N. Mex., and Colo. p. D724

23. RECLAMATION. The Irrigation and Reclamation Subcommittee of the Interior and Insular Affairs Committee voted to report to the full committee the following bills: p. D725

S. 2195, to authorize the Secretary of the Interior to construct, operate, and maintain the western division of the Dalles Federal reclamation project, Ore.;

H. R. 10311 (amended), providing that certain provisions of Public Law 335 dated Oct. 7, 1949, shall apply to the Mercedes division of the lower Rio Grande rehabilitation project; and

S. 1092, to provide for the construction of the Cheney division, Wichita Federal reclamation project, Kansas.

24. LEGISLATIVE PROGRAM. The "Daily digest" states that the program for next week will include the Consent and Private Calendars for Tuesday. p. D726

25. ADJOURNED until Mon., Aug. 29.

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26. SECOND SUPPLEMENTAL APPROPRIATION BILL, 1961. The Appropriations Committee reported with amendments this bill, H. R. 13161 (S. Rept. 1925)(p. 16716). Agreed to a unanimous consent request by Sen. Johnson for consideration of this bill on Mon., Aug. 29 (p. 16673). (See end of this Digest for statement of actions.)

27. SURPLUS COMMODITIES; FOREIGN AID. Agreed to without amendment S. Con. Res. 116, to express the support of Congress for the continued exploration by the President with other nations for the establishment of an international food program for the purpose of furnishing food to needy nations. pp. 16815-6

28. NOMINATION. Confirmed the nomination of Carl J. Stephens, General Counsel of the Department, to be a member of the CCC Board of Directors. p. 16761

29. PERSONNEL. The Labor and Public Welfare Committee reported without amendment H. R. 12383, to amend the Federal Employees Compensation Act to make the benefits under the Act more realistic in terms of present wage rates (S. Rept. 1924). p. 16716

Sen. Clark submitted an amendment which he intends to propose to H. R. 7885, relating to the income tax treatment of nonrefundable capital contributions to the Federal National Mortgage Association, which he stated would permit Federal agencies to deduct municipal wage taxes from employees of Federal agencies who work within a municipality which levies a wage tax. pp. 16783-4

30. OLD-AGE ASSISTANCE. Continued debate on H. R. 12580, to provide Federal grants to States for medical care for aged individuals of low income. pp. 16740-5, 16746-61, 16787-815

31. BREAD PRICES. Sen. Kefauver submitted the report of the Judiciary Committee, "Administered Prices - Bread," together with minority and individual views (S. Rept. 1923). p. 16716

Calendar No. 1995

86TH CONGRESS, 2d Session | SENATE | REPORT No. 1924

FEDERAL EMPLOYEES' COMPENSATION ACT AMENDMENTS OF 1960

AUGUST 27 (legislative day, AUGUST 24), 1960.—Ordered to be printed

Mr. HILL, from the Committee on Labor and Public Welfare, submitted the following

REPORT

[To accompany H.R. 12383]

The Committee on Labor and Public Welfare, to whom was referred the bill (H.R. 12383) to amend the Federal Employees' Compensation Act to make benefits more realistic in terms of present wage rates, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE LEGISLATION

The primary purpose of H.R. 12383 is to correct inequities that exist with respect to benefits paid to employees of the Federal Government, other than military personnel, who are injured in the performance of their duties and the dependents of those who died as a result of such injuries. The Federal Employees' Compensation Act has not been amended since 1949, and, as a result, the compensation paid to employees who were injured prior to 1946 is much less than the compensation for disability or death computed on the basis of present day Federal pay scales. At the same time the rise in the cost of living has created a further inequity.

Under the Federal Employees' Compensation Act the amount of compensation paid for disability and death is computed on the basis of the monthly pay received by an injured employee at the time of injury. As a result, compensation payments to beneficiaries on account of injuries sustained in prior years fail to reflect the sharp rise in pay and living costs in recent years and are substantially less than benefits paid on present wage levels. Approximately 50 percent of the 8,200 cases of permanent or long-continuing disability and more than 76 percent of the 5,000 death cases in which benefits are presently being paid occurred prior to 1951. In nearly 16 percent of these cases

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the injury occurred prior to World War II and in 26 percent of these cases the injury occurred during the war years 1941–45.

To deal equitably with employees and their dependents whose wage base (i.e., the monthly pay at the time of injury) is geared to an old rate of pay, it is necessary to provide specifically for them. The amendments to the Federal Employees' Compensation Act enacted in 1949 dealt with this problem by increasing the wage base by 40 percent, if the injury occurred before January 1, 1941, or by 10 percent if the injury occurred on or after that date but before July 1, 1946. However, the substantial increase in rates of pay since 1946 and the rise in living costs since that time make a further increase in the wage base necessary to provide equitable treatment for employees injured in prior years and their dependents.

MAJOR PROVISIONS OF THE BILL

H.R. 12383 increases by 30 percent the wage base used to compute the amount of compensation for disability or death if the injury for which the compensation is payable occurred before January 1, 1946; increases the wage base by 20 percent if the injury occurred after December 31, 1945, but prior to January 1, 1951; and increases the wage base by 10 percent if the injury occurred after December 31, 1950, but before January 1, 1958.

It also increases the minimum amount of compensation for total disability from $112.50 to $180 per month except in cases where the monthly pay of the injured employee is less than $180, in which event—as under the act at the present time—the compensation for total disability would be equal to the full monthly pay of the injured employee.

The bill also increases (1) the minimum wage base to be used in determining the amount of compensation to be paid in death cases from $150 to $240, (2) the amount available for burial expenses to the beneficiaries of an employee whose death resulted from an injury sustained in the performance of his duties from $400 to $800, (3) the maximum amount allowable for the services of an attendant in those cases where the employee is so helpless as to require such constant service from $75 to $125, and (4) the maximum allowance payable for the maintenance of an employee who is undergoing rehabilitation pursuant to the direction of the Bureau of Employees' Compensation from $50 to $100.

In addition the bill increases the benefits being paid in approximately 1,100 fatal and 200 total disability cases which arose out of various Federal emergency relief programs in operation between 1934 and 1942. The benefits presently being paid in these cases, which are governed by the provisions of the act of February 15, 1934, are pitifully small. The beneficiaries in the fatal cases, who are almost exclusively widows, most of whom are well advanced in years, now receive on an average of $30 per month, and the compensation rate in many of the total disability cases is less than $100 per month. The bill authorizes a minimum compensation rate of $100 per month for the total disability cases and compensation at the rate of $52.50 per month for widows.

The bill contains a number of technical amendments and refinements to facilitate and make more equitable the administration of the act. Principal among these are amendments (1) authorizing payment of compensation for scheduled disability in addition to benefits under the

Civil Service Retirement Act, (2) requiring election of benefits in any case where the claimant for compensation also is eligible to receive certain payments or benefits from the United States for the same disability or death, (3) authorizing medical care to those employees who after sustaining compensable injuries are required to make an election and elect to receive their retirement annuity, (4) providing an additional method for computing the amount of compensation in certain cases of disability and recurring disability, (5) extending the time period for giving notice of injury and filing claim for compensation in cases of latent disability, (6) assuring Government employees required to appear as parties or witnesses in the prosecution of third-party cases that they will be treated as in active duty status while so engaged, and (7) eliminating the distinction made in section 42 of the act between U.S. citizens born in Puerto Rico and those born elsewhere but resident in Puerto Rico.

The bill also includes a provision designed to further the promotion of safety in the various Federal agencies and establishments by requiring all Federal agencies to include in their annual budget estimates a request for funds to repay the employees' compensation fund for the costs of benefits paid during the preceding fiscal year on account of the injury or death of employees under the jurisdiction of each such agency.

The cost of this bill is estimated to be $4 million per year.

H.R. 12383 has the approval of the Department of Labor.

SECTION-BY-SECTION ANALYSIS

Section 1 of the bill provides a short title for the legislation, the "Federal employees' Compensation Act Amendments of 1960."

Section 101: This section amends (1) section 6(b)(1) of the Federal Employees' Compensation Act to increase the maximum allowance for the service of an attendant from $75 to $125 per month, (2) section 6(b)(2) of the act to increase from $50 to $100 per month the maximum allowance payable for the maintenance of a disabled employee undergoing vocational rehabilitation at the direction of the Bureau, and (3) section 6(c) of the act to increase the minimum amount of compensation in cases of total disability from $112.50 to $180.

There are few cases in which an injured person is so helpless as to require the constant service of an attendant. However, where this need does exist, the present allowance of $75 is wholly inadequate.

The existing maximum allowance payable for the maintenance of a disabled employee undergoing vocational rehabilitation at the direction of the Bureau is inadequate. The proposed new maximum is approximately the same as the maintenance allowance authorized under the Longshoremen's and Harbor Workers' Compensation Act.

The increase in the minimum compensation rate for cases of total disability is applicable, as are the other amendments to the Federal Employees' Compensation Act contained in this section, to cases already on the rolls as well as prospectively. The effect of this provision will be to assure a minimum compensation rate of $180 in total disability cases in which the monthly pay of the injured employee (including adjustments in the monthly pay in old cases made by this act and the Federal Employees' Compensation Act Amendments of 1949) is equal to at least $180. If the monthly pay of the totally dis-

abled employee is less than $180, the rate of compensation, as under the act at present, will be equal to his full monthly pay.

Section 102: This section will increase the minimum wage base to be used in determining the amount of compensation to be paid in death cases from $150 to $240.

Section 103: This section increases the maximum allowance for burial expenses from $400 to $800. The present maximum allowance for burial expenses is wholly inadequate and in many cases the family of the deceased employee is required to bear the expense of a major part of the cost of a modest burial.

Section 104: This section increases the monthly pay upon the basis of which compensation for disability or death is computed under the Federal Employees' Compensation Act, as amended, for every employee as defined in section 40(b) (1) or (2) of the act by 10 percent if the injury for which compensation is payable occurred before January 1, 1958, but after December 31, 1950; by 20 percent if it occurred before January 1, 1951, but after December 31, 1945; and by 30 percent if it occurred before January 1, 1946. The section explicitly provides that nothing in this or any other act of Congress shall be construed to make the increase in the monthly pay provided by this section applicable to military personnel, or any person or employee not within the definition of section 40(b) (1) or (2) of the Federal Employees' Compensation Act. The section also explicitly provides that the increase in the monthly pay authorized is applicable only with respect to any period beginning on or after the first date of the first calendar month following the enactment of this act and shall not be construed to permit the amount of compensation paid on account of an employee's disability or death to be increased more than 10 percent if the injury for which compensation is payable occurred before January 1, 1958, but after December 31, 1950; by 20 percent if it occurred before January 1, 1951, but after December 31, 1945; and by 30 percent if it occurred before January 1, 1946.

The increase in the wage base authorized by this section will be applied to all cases on the rolls to which this section is applicable before the increase in the minimum wage base for computing death benefits authorized by section 102 of this act and the increase in the minimum compensation rate in total disability cases authorized by section 101 of this act is applied.

Section 105: This section will increase the benefits now being paid under the provisions of the act of February 15, 1934, in approximately 1,100 fatal and 200 total disability cases which arose out of various Federal emergency relief programs in operation between 1934 and 1942.

The increase in benefits would be accomplished by raising the monthly pay on the basis of which compensation for disability or death is computed in these cases from $75 to $150. This will result in a minimum compensation rate of $100 per month for the permanent total disability cases, the great majority of which presently receive considerably less than that amount, and compensation at the rate of $52.50 for the widows in death cases who presently receive an average of $30 per month.

Title II—Technical amendments

Section 201: This section amends section 5 of the Federal Employees' Compensation Act to make clear that compensation shall be paid for a scheduled loss even though the loss results from an injury to a part of the body other than the member where the loss occurred.

Section 202: This section amends section 7 of the Federal Employees' Compensation Act to permit the payment of compensation for scheduled permanent disability specified in subsection 5(a) of the act in addition to benefits under the Civil Service Retirement Act. At present such compensation and benefits under the Civil Service Retirement Act may not be paid for the same period of time. An employee who suffers an injury which entitles him to a scheduled award may receive the compensation provided by the Federal Employees' Compensation Act for that injury although he returns to full-time duty without any loss in pay. It is inequitable to force an employee who is eligible to and elects to retire after sustaining such an injury to forgo the compensation provided by the Federal Employees' Compensation Act for the scheduled loss.

In addition, this section amends the Federal Employees' Compensation Act to require an election of benefits in any case in which a claimant for compensation is eligible to receive any payment for benefits from the United States by reason of the same disability or death. A small number of cases have occurred in which the Bureau has found that the disability or death of an employee has resulted from an injury sustained in civilian employment by the United States and the Veterans' Administration has held that the same disability or death was caused by military service. As a result, the United States has paid compensation twice for the same disability or death. This amendment is intended to prevent payment of dual benefits in such cases in the future.

Section 203: This section amends the Federal Employees' Compensation Act to permit the furnishing of medical care under the act to an employee who after sustaining a compensable injury elects to receive a civil service retirement annuity for which he is eligible. The present prohibition against payment of compensation and retirement benefits for the same period of time precludes the furnishing of medical care in such cases unless the beneficiary elects to receive compensation benefits in lieu of the annuity for the period he is under medical care.

Section 204: This section amends section 13(b) of the Federal Employees' Compensation Act to require that when determining the wage earning capacity of an injured employee who is partially disabled and has no actual earnings, or whose actual earnings do not fairly and reasonably represent his wage-earning capacity the Director shall consider the injured employee's age, his qualifications for other employment, and the availability of suitable employment as well as any other factors or circumstances in the case which may affect the injured employee's capacity to earn wages in his disabled condition.

Section 205: This section would amend the Federal Employees' Compensation Act to make clear that the statutory period within which an employee is required to file a claim for compensation in cases of latent disability does not begin to run until the employee has a

compensable disability and is aware, or by the exercise of reasonable diligence should have been aware of the causal relationship of the compensable disability and his employment.

One of the major problems affecting the payment of compensation in cases of latent disability is the statutory requirement regarding the time within which the employee must file a claim for benefits. An employee may not know that he is suffering from a radiation disease, for example, for many years after the date of exposure. Even after he becomes aware of the existence of some such injury, it may be years before he becomes unable to continue his work, and under a disability for which he is entitled to receive compensation. Yet, his failure to file a claim may, because of the statutory requirements regarding the time within which a claim must be filed, defeat his right to compensation after the disability arises.

To protect employees in such cases, it is necessary that the statutory period after which a claim is barred not begin to run until the date the employee suffers disability and knew, or by the exercise of reasonable diligence should have known, of its existence and its casual relationship to his employment.

However, even when there is no disability upon which to base a claim for compensation, notice of the injury should be given by the employee as soon as he knows of its existence, so that the first opportunity to investigate the potential claim is not lost. For this reason, the statutory requirement of notice of injury established by this section for cases of latent or undiscovered disability is not conditioned upon the existence of any disability. It applies as soon as the employee is aware or in the exercise of reasonable diligence should have been aware that his condition is causally related to his employment, regardless of whether or not there is a compensable disability.

Section 206: This section would make it a misdemeanor, punishable by a fine of not more than $500 or imprisonment for not more than 1 year, or both, for an officer or employee of the United States, charged with responsibility for making reports of injuries, to willfully fail or neglect to make such a report, or to induce an employee to forego filing a claim, or to willfully retain any notice required to be filed under the Federal Employees' Compensation Act.

Section 207: This section would insure that Government employees will be treated as in an active duty status when they must appear as parties or witnesses in third-party cases which the Government has required to be prosecuted by, and in the name of an injured employee.

Existing law does not make clear the authority of a Government agency to carry an employee who is a party or witness to such a proceeding in an active duty status while he is attending court proceedings. Existing statutory provisions concerning the status of Government employees required to appear in legal proceedings deal only with those employees summoned to appear as a witness on behalf of the United States and the District of Columbia in actions to which the United States or the District is a party. By Executive order provision is made for court leave for certain Government employees who are absent from duty and in attendance in court as a witness in behalf of the United States or the government of the District, or who are called for jury duty in any State court or court of the United States. Decisions of the Comptroller General have held that a Government employee required to appear in private litigation—

> may be regarded as in a duty and pay status during the period of his necessary absence * * * where the value of the witness testifying in private litigation arises from his official capacity and he is subpenaed solely because of and to testify in that capacity or to produce official records.

It appears that existing legislation and precedents are not helpful in third-party negligence cases since they are brought in the name of the injured employee and so are private litigation in which the Government employees appearing as parties and witnesses are not testifying as to matters arising from any official capacity.

In such third-party cases, therefore, Government employees have been charged with annual leave or placed on leave without pay, while so engaged. This situation has caused great resentment in employees obligated to appear as parties and witnesses in such lawsuits. Since the Government requires the action to be prosecuted in the name of the injured employee although it is in many cases the principal beneficiary of the action, employees obligated to appear should not be required to do so on their own time and at their own expense.

Section 208: This section provides an additional method for computing the amount of compensation in certain cases of disability and recurring disability. It would make the "monthly pay" upon the basis of which compensation under the Federal Employees' Compensation Act is computed the greater of the injured employee's monthly pay at the time of the injury, his monthly pay at the time disability begins, or his monthly pay at the time disability recurs, if such recurrence begins more than 6 months after the injured employee resumes regular full-time employment with the United States.

Section 209: This section would require all Federal agencies to include in their annual budget estimates a request for funds to repay the employees' compensation fund for the cost of benefits paid during the preceding fiscal year on account of the injury or death of employees under the jurisdiction of each such agency. The Secretary of Labor would be required to furnish to each executive department and each agency or instrumentality of the United States having employees who are or may be entitled to compensation benefits under the Federal Employees' Compensation Act a statement showing the total cost of benefits and other payments made from the employees' compensation fund during the preceding fiscal year on account of the injury or death of employees or persons under the jurisdiction of the agency. The provision would make an additional charge against corporations and agencies subject to the Government Corporation Control Act for their fair share of the cost of administering the Federal Employees' Compensation Act.

This provision would bring to the attention of the heads of each agency the cost of compensation for injuries to employees under his jurisdiction and require him to justify such expenditure to the Bureau of the Budget and to Congress.

Section 210: This section would eliminate the provision in section 42 of the Federal Employees' Compensation Act which makes the minimum limitation on monthly compensation contained in section 6(c) inapplicable in the case of certain citizens of Puerto Rico. By amendment in 1942, the minimum limit was made inapplicable to native born citizens of Puerto Rico and to employees who are not citizens of the United States and who sustain injury outside of the

United States. This amendment was enacted as a result of the wartime expansion of Federal activities in areas outside of the United States, entailing the employment of large numbers of inhabitants of such areas. The amendment recognized that the provision for minimum payments often would result in injured employees in low wage areas receiving compensation equal to their full wage. This situation was, of course, inconsistent with the express purpose of the act to make up approximately two-thirds of any employee's wage loss. Whatever factors may have warranted removing the minimum limit in such cases in 1942, there is no valid basis for the act's present distinction between U.S. citizens born in Puerto Rico and those born elsewhere but resident in Puerto Rico.

Section 211: This section provides for the dates upon which various provisions of the bill would become effective and is, in most part, self-explanatory.

The bill does not retroactively grant any benefits for any past periods of disability nor are death benefits retroactively increased. All changes in benefit payments would be made prospectively. Where increased benefits are provided cases already on the rolls, the new benefit provisions would apply to old cases only with respect to any period beginning on or after the first date of the first calendar month following the enactment of this act.

An exception is the provision contained in section 202 of this act permitting the payment of compensation for scheduled permanent disability in addition to benefits under the Civil Service Act. This provision is applicable to any injury which occurred within 3 years prior to the date of enactment of this act as well as prospectively. Similarly, the provision in section 202 of this act requiring an election of the benefits in any case in which a claimant for compensation is also eligible to receive certain payments or benefits from the United States for the same disability or death is applicable to any injury or death occurring before enactment of this act as well as prospectively, but shall not deprive any person of benefits in any case in which an award has been made.

Changes in Existing Law

In compliance with subsection 4 of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

Federal Employees' Compensation Act

* * * * * * *

SCHEDULED DISABILITIES

Sec. 5. (a) In any case of permanent disability which involves solely the loss, or loss of use, of a member or function of the body, *regardless of whether the cause of such disability originates in a part of the body other than such member*, or involves disfigurement, as provided in the following schedule, basic compensation for such disability shall, in addition to compensation for any temporary total or temporary

partial disability, be payable to the disabled employee for the period specified in such schedule at the rate of 66⅔ per centum of his monthly pay and shall, except as otherwise provided in subsection (b) and in cases involving disfigurement, be in lieu of compensation for such permanent disability under the preceding sections of this Act:

(1) Arm lost, three hundred and twelve weeks' compensation.

(2) Leg lost, two hundred and eighty-eight weeks' compensation.

(3) Hand lost, two hundred and forty-four weeks' compensation.

(4) Foot lost, two hundred and five weeks' compensation.

(5) Eye lost, one hundred and sixty weeks' compensation.

(6) Thumb lost, seventy-five weeks' compensation.

(7) First finger lost, forty-six weeks' compensation.

(8) Great toe lost, thirty-eight weeks' compensation.

(9) Second finger lost, thirty weeks' compensation.

(10) Third finger lost, twenty-five weeks' compensation.

(11) Toe other than great toe lost, sixteen weeks' compensation.

(12) Fourth finger lost, fifteen weeks' compensation.

(13) Loss of hearing: (A) Complete loss of hearing of one ear, fifty-two weeks' compensation; (B) complete loss of hearing of both ears, two hundred weeks' compensation.

(14) Binocular vision or percentage of vision: Compensation for loss of binocular vision or for 80 per centum or more of the vision of an eye shall be the same as for the loss of the eye.

(15) Phalanges: Compensation for loss of more than one phalanx of a digit shall be the same as for loss of the entire digit. Compensation for loss of the first phalanx shall be one-half of the compensation for loss of the entire digit.

(16) Amputated arm or leg: If, in the case of an arm or a leg, the member is amputated above the wrist or ankle, compensation shall be the same as for the loss of the arm or leg, respectively.

(17) Two or more digits: Compensation for loss, or loss of use, of two or more digits, or one or more phalanges of each of two or more digits, of a hand or foot, shall be proportioned to the loss of use of the hand or foot occasioned thereby.

(18) Total loss of use: Compensation for permanent total loss of use of a member shall be the same as for loss of the member.

(19) Partial loss or partial loss of use: Compensation for permanent partial loss or loss of use of a member may be for proportionate loss or loss of use of the member. The degree of loss of vision or hearing under this schedule shall be determined without regard to correction.

(20) In any case in which there shall be a loss or loss of use, of more than one member or parts of more than one member as enumerated herein, the award of compensation shall be for the loss, or loss of use, of each such member or part thereof, which awards shall run consecutively, except that where the injury affects only two or more digits of the same hand or foot, subparagraph (17) of this schedule shall apply, and that where partial bilateral loss of hearing is involved, compensation shall be computed upon the loss as affecting both ears.

(21) Disfigurement: Proper and equitable compensation not to exceed $3,500 shall, in addition to any other compensation pay-

able under this schedule, be awarded for serious disfigurement of the face, head, or neck, if of a character likely to handicap a person in securing or maintaining employment.

* * * * * * *

AUGMENTED COMPENSATION FOR DEPENDENTS, MAXIMUM AND MINIMUM COMPENSATION, ATTENDANTS ALLOWANCE, AND SO FORTH

SEC. 6. (a)(1) While the disabled employee has one or more dependents, his basic compensation for disability payable under section 3 or section 5(a) (including compensation payable under the schedule to section 5(a) by virtue of section 5(b)) shall be augmented at the rate of 8⅓ per centum of his monthly pay, and his basic compensation for disability payable under section 4(a) shall be augmented at the rate of 8⅓ per centum of the difference between his monthly pay and his monthly wage-earning capacity: *Provided*, That for any period of temporary total disability the augmentation of his basic compensation for disability payable under section 3 shall be limited to that part of his monthly pay which is not in excess of $420.

(2) As used in this subsection, the term "dependent" shall mean any of the following:

(A) A wife, if (i) she is a member of the same household as the employee or is receiving regular contributions from him toward her support, or (ii) he has been ordered by any court to contribute to her support.

(B) A husband, if wholly dependent by reason of his own physical or mental disability upon the employee for support.

(C) An unmarried child (as defined in section 10(H)), while such child (i) is under eighteen years of age or, if over eighteen, is incapable of self-support by reason of mental or physical disability, and (ii) is living with the employee or receiving regular contributions toward his support from the employee.

(D) A parent (as defined in section 10(H)), while wholly dependent upon and supported by the employee.

(b) (1) In addition to the monthly compensation otherwise specified in this Act, the Commission [1] may pay an injured employee, who has been awarded compensation, an additional sum of not more than [$75] *$125* a month, as the Commission may deem necessary, when the Commission shall find that the service of an attendant is necessary constantly to be used by reason of the employee's being totally blind, or having lost both hands or both feet or the use thereof, or being paralyzed and unable to walk, or by reason of other disability resulting from the injury actually rendering him so helpless as to require constant attendance.

(2) The Commission* may pay to any disabled individual who is undergoing vocational rehabilitation pursuant to the Commission's* direction under section 9(b) additional compensation necessary for his maintenance, but not to exceed [$50] *$100* per month.

(c) Except as otherwise authorized under section 42, the monthly rate of compensation for disability, including any augmented compen-

[1] Functions of the Employees' Compensation Commission were transferred to the Federal Security Administrator, under authority of 1946 Reorganization Plan No. 2 (60 Stat. 1095). These functions were subsequently transferred from the Federal Security Administrator to the Secretary of Labor, under authority of 1950 Reorganization Plan No. 19 (64 Stat. 1271). Therefore, the word "Commission", wherever appearing herein, should be read as "Secretary".

*See footnote No. 1.

sation payable by reason of subsection (a) but not including any sum payable by reason of subsection (b), shall not be more than $525 per month and in cases of total disability shall not be less than [$112.50] *$180* per month, unless the employee's monthly pay is less in which case his monthly rate of compensation for total disability shall be equal to his full monthly pay.

(d)(1) In the case of any person who at the time of the injury was a minor or employed in a learner's capacity and who, prior to the injury, was not physically or mentally handicapped, the Commission* shall, on any review under section 37 after the time when the wage-earning capacity of such person would probably, but for the injury, have increased, prospectively recompute the monetary compensation payable for disability on the basis of an assumed monthly pay corresponding to such probable increased wage-earning capacity. The Commission* may, on any review under section 37 after a disabled employee has attained the age of seventy years and the wage-earning capacity of the disabled employee would probably, aside from and independently of the effects of the injury, have decreased on account of old age, prospectively recompute the monetary compensation payable for disability on the basis of an assumed monthly pay corresponding to such probable decreased wage-earning capacity.

(2) If a disabled individual, without good cause, fails to apply for and undergo vocational rehabilitation when so directed pursuant to section 9(b), and the Commission*, upon review under section 37, finds that in the absence of such failure the individual's wage-earning capacity would probably have substantially increased, the Commission* may prospectively reduce the individual's monetary compensation in accordance with what would probably have been his wage-earning capacity in the absence of such failure, until the individual in good faith complies with the Commission's* direction.

OTHER PAYMENTS AND EXCLUSIVENESS OF REMEDY

SEC. 7. (a) That as long as the employee is in receipt of compensation under this Act, or, if he has been paid a lump sum in commutation of installment payments, until the expiration of the period during which such installment payments would have continued, he shall not receive from the United States any salary, pay, or remuneration whatsoever except in return for services actually performed, and except pensions for service in the Army or Navy of the United States: *Provided, That eligibility for or receipt of benefits under the Civil Service Retirement Act shall in no way impair the employee's right to receive compensation for scheduled disabilities specified in section 5(a) of this Act: Provided further,* That whenever any person is entitled to receive any benefits under this Act by reason of his injury, or by reason of the death of an employee, as defined in section 40, and is also entitled to receive from the United States any payments or benefits (other than the proceeds of any insurance policy), by reason of such injury or death under any other Act of Congress, because of service by him (or in the case of death, by the deceased) as an employee, as so defined, *or because of service by him (or in the case of death, by the deceased) in the Armed Forces of the United States,* such person shall elect which benefits he shall receive. Such election shall be made within one year

*See footnote 1.

after the injury or death, or such further time as the Commission* may for good cause allow, and when made shall be irrevocable unless otherwise provided by law.

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MEDICAL, ETC., SERVICES

SEC. 9. (a) That for any injury sustained by an employee while in the performance of duty, whether or not disability has arisen, *and notwithstanding that the employee has accepted or is entitled to receive benefits under the Civil Service Retirement Act*, the United States shall furnish to the employee all services, appliances, and supplies prescribed or recommended by duly qualified physicians which, in the opinion of the Commission*, are likely to cure or to give relief or to reduce the degree or the period of disability or to aid in lessening the amount of the monthly compensation. Such services, appliances, and supplies shall be furnished by or upon the order of United States medical officers and hospitals, but where this is not practicable they shall be furnished by or upon the order of private physicians and hospitals designated or approved by the Commission*. For the securing of such services, appliances, and supplies, the employee may be furnished transportation, and may be paid all expenses incident to the securing of such services, appliances, and supplies, which, in the opinion of the Commission*, are necessary and reasonable. All such expenses when authorized or approved by the Commission* shall be paid from the employees' compensation fund. The Commission* may, under such limitations or conditions as he shall deem necessary, authorize employing establishments of the United States to provide for the initial furnishing of medical and other benefits under this section and the Commission* may certify for payment out of the Employees' Compensation Fund vouchers for expenses thus incurred for such benefits, upon certification by the person required by section 24 to make reports of injury that the expense was incurred in respect to injury which was accepted by the employing establishment as probably compensable under this Act. The form and content of such certification shall be prescribed by the Commission. Any award heretofore made by the Commission* on account of expenses incurred under section 9 of the Act of September 7, 1916, prior to the passage of this Act, shall be valid, if such award would be valid if made on account of expenses incurred under this section after the passage of this Act.

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COMPENSATION FOR DEATH

SEC. 10. That if death results from the injury the United States shall pay to the following persons for the following periods a monthly compensation equal to the following percentages of the deceased employees' monthly pay:

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*See footnote No. 1.

WAGE BASIS

(K) In computing compensation under this section the monthly pay shall be considered not to be less than [$150] *$240*, but the total monthly compensation shall not exceed the monthly pay computed as provided in section 12 or the sum of $525.

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BURIAL, ETC., EXPENSES

SEC. 11. If death results from the injury the United States shall pay, to the personal representative of the deceased employee or otherwise, funeral and burial expenses not to exceed [$400] *$800*, in the discretion of the Commission*. In the case of an employee whose home is within the United States, if his death results from the injury while he is away from his home or official station or is outside of the United States, or if his death results from other causes while he is away from his home or official station for the purpose of receiving medical or other services, appliances, or supplies under section 9 or examination under section 21, and if so desired by his relatives, the body shall, in the discretion of the Commission*, be embalmed and transported in a hermetically sealed casket to the home or last place of residence of the employee at the expense of the employees' compensation fund. If, in such cases, request for return of the body is not made by the decedent's relatives, the Commission* may provide for the disposition of the remains and incur, and cause payment from the employees' compensation fund of, such necessary transportation, funeral, and burial expenses as under the circumstances shall be reasonable.

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COMPUTATION OF WAGE-EARNING CAPACITY

SEC. 13. (a) In the determination of an employee's wage-earning capacity after the beginning of partial disability, the rules specified in section 12(b) shall apply.

(b) The wage-earning capacity of an injured employee, in determining compensation for partial disability other than permanent partial disability compensable under section 5, shall be determined by his actual earnings if such actual earnings fairly and reasonably represent his wage-earning capacity: *Provided, however,* That if the employee has no actual earnings, or his actual earnings do not fairly and reasonably represent his wage-earning capacity, such wage-earning capacity as shall appear reasonable under the circumstances of the case shall be determined, having due regard to the nature of his injury, the degree of physical impairment, his usual employment, *his age, his qualifications for other employment, the availability of suitable employment,* and any other factors or circumstances in the case which may affect his capacity to earn wages in his disabled condition.

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* See footnote No. 1.

TIME FOR CLAIMS

SEC. 20. That all original claims for compensation for disability shall be made within sixty days after the injury. *In cases of latent disability due to radiation or other causes, the time for filing claim shall not begin to run until the employee has a compensable disability and is aware, or by the exercise of reasonable diligence should have been aware of the causal relationship of the compensable disability to his employment: Provided, That the time for giving notice of injury in such cases shall begin to run as soon as the employee is aware, or in the exercise of reasonable diligence should have been aware, that his condition is causally related to his employment, regardless of whether or not there is a compensable disability.* All original claims for compensation for death shall be made within one year after the death. For any reasonable cause shown the Commission* may allow original claims for compensation for disability to be made at any time within one year. Failure to give notice of injury or to file claim for compensation for disability or death within the time and in the manner prescribed by this Act shall not bar the claim of any person thereunder if such claim is filed within five years after the injury or death and if the Commission* shall find (1) that such failure was due to circumstances beyond the control of the person claiming benefits, or (2) that such person has shown sufficient cause or reason in explanation thereof, and material prejudice to the interest of the United States has not resulted from such failure; and upon such finding the Commission* may waive compliance with the applicable provisions of the Act.

* * * * * * *

REPORT OF INJURIES

SEC. 24. (*a*) That immediately after an injury to an employee resulting in his death or in his probable disability, his immediate superior shall make a report to the Commission* containing such information as the Commission* may require, and shall thereafter make such supplemental reports as the Commission* may require.

(*b*) *Whoever, being an officer or employee of the United States charged with the responsibility for making the reports specified in subsection (a), willfully fails, neglects, or refuses to make any such report or knowingly files a false report, or induces, compels, or directs an injured employee to forego filing of any claim for compensation or other benefits provided under this Act or any extension or application thereof, or willfully retains any notice, report, claim, or paper which is required to be filed under this Act or any extension or application thereof, or regulations promulgated thereunder shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than $500 or imprisoned not more than one year, or both.*

* * * * * * *

ASSIGNMENTS OF DAMAGE CLAIMS AGAINST THIRD PARTIES

SEC. 26. If any injury or death for which compensation is payable under this Act is caused under circumstances creating a legal liability upon some person other than the United States to pay damages therefor, the Commission* may require the beneficiary to assign to the

* See footnote No. 1.

United States any right of action he may have to enforce such liability of such other person or any right which he may have to share in any money or other property received in satisfaction of such liability of such other person, or the Commission* may require said beneficiary to prosecute said action in his own name. *Any employee who is required to appear as a party or witness in the prosecution of said action is, while so engaged, in an active duty status.*

If the beneficiary shall refuse to make such assignment or to prosecute said action in his own name when required by the Commission,* he shall not be entitled to any compensation under this Act.

The cause of action when assigned to the United States may be prosecuted or compromised by the Commission,* and if the Commission* realizes upon such cause of action he shall apply the money or other properties so received in the following manner: After deducting the amount of any compensation already paid to the beneficiary and the expenses of such realization or collection, which sum shall be placed to the credit of the employees' compensation fund, the surplus, if any, shall be paid to the beneficiary and credited upon any future payments of compensation payable to him on account of the same injury.

* * * * * * *

[COMPENSATION FUND

[SEC. 35. That there is hereby authorized to be appropriated, from any money in the Treasury not otherwise appropriated, the sum of $500,000, to be set aside as a separate fund in the Treasury, to be known as the employees' compensation fund. To this fund there shall be added such sums as Congress may from time to time appropriate for the purpose. Such fund, including all additions that may be made to it, is hereby authorized to be permanently appropriated for the payment of the compensation provided by this Act, including the medical, surgical, and hospital services and supplies provided by section 9, and the transportation and burial expenses provided by sections 9 and 11.]

EMPLOYEES' COMPENSATION FUND

SEC. 35. (a) There is established in the Treasury a separate fund to be known as the Employees' Compensation Fund which shall consist of such sums as Congress may from time to time appropriate therefor or transfer thereto and amounts otherwise accruing thereto under this or any other Act of Congress. Such fund including all additions that may be made to it shall be available without time limit for the payment of the compensation and other benefits and expenses (except administrative expenses) authorized by this Act or any extension or application thereof except as may be provided by this or other Acts. The Secretary of the Treasury shall submit annually to the Bureau of the Budget estimates of appropriations necessary for the maintenance of the Employees' Compensation Fund.

(b) The Secretary of Labor shall, prior to August 15 of each year, furnish to each executive department and each agency or instrumentality of the United States or other establishment, having employees who are or may

*See footnote No. 1.

be entitled to compensation benefits under this Act or any extension or application thereof (hereinafter called "agency"), a statement showing the total cost of benefits and other payments made from the Employees' Compensation Fund during the preceding fiscal year on account of the injury or death of employees or persons under the jurisdiction of such agency occurring after December 1, 1960. Each agency shall include in its annual budget estimates for the next fiscal year a request for an appropriation in an amount equal to such costs. Sums appropriated pursuant to such request shall, within thirty days after they become available, be deposited in the Treasury to the credit of the Employees' Compensation Fund. In the case of any corporation or other agency which is not dependent upon an annual appropriation, the deposit to the credit of the Employees' Compensation Fund required by this subsection shall be made by such agency from funds under its control. If any agency or part thereof or any of its functions is transferred to another agency, the cost of compensation benefits and other expenses paid from the Employees' Compensation Fund on account of the injury or death of employees of the transferred agency or function shall be included in costs of the receiving agency.

"(c) In addition to the contributions for the maintenance of the Employees' Compensation Fund required by this section, any mixed ownership corporation as defined in section 201 of the Government Corporation Control Act (31 U.S.C. 856), or any corporation or agency (or activity thereof) which is required by law to submit an annual budget pursuant to, or as provided by, the Government Corporation Control Act (31 U.S.C. 841–869), shall pay an additional amount for its fair share of the cost of administration of this Act as determined by the Secretary of Labor. With respect to said agencies, the charges billed by the Secretary of Labor pursuant to this section shall include an additional amount for such costs, which shall be paid into the Treasury as miscellaneous receipts from the sources authorized, and in the manner otherwise provided in this section."

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DEFINITIONS

SEC. 40. That wherever used in this Act—

* * * * * * *

(f) The term "monthly pay" shall be taken to refer to the monthly pay at the time of the injury, *or the monthly pay at the time disability begins, or the monthly pay at the time compensable disability recurs, if such recurrence begins more than six months after the injured employee resumes regular full-time employment with the United States, whichever is greater,* except when otherwise determined under section 6(d) with respect to any period.

SEC. 42. * * *.

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REMOVAL OF MINIMUM LIMITS ON MONTHLY COMPENSATION IN CASES OUTSIDE OF THE UNITED STATES; PROVISION FOR LOCAL PAYMENTS

The minimum limit on the monthly compensation for disability as established by section 6 and the minimum limit on the monthly pay on which death compensation is to be computed as established by clause (K) of section 10, shall not apply in the case of employees of the United States who are not citizens of the United States, or of any

class or classes of such noncitizen employees, who sustain injury outside of the United States: *Provided*, That the Administrator [2] may in his discretion establish a minimum monthly pay on which death compensation shall be computed in the case of any class or classes of such noncitizen employees. The Administrator* is further authorized, in his discretion, to arrange and provide for the making of initial payments of compensation and the initial furnishing of other benefits provided in this Act in the cases of employees injured outside of the United States, by any officer or agent of the United States designated by the Administrator* for such purpose in the locality in which the employee was employed or the injury occurred. [The provisions of this paragraph shall apply also in the cases of citizens of Puerto Rico, except those citizens of the United States who by residence have acquired or shall acquire citizenship in Puerto Rico under the provisions of section 733(a) of title 48, United States Code.]

* * * * * * *

The Second Proviso of the First Section of the Act of February 15, 1934 (5 U.S.C. 796)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to provide additional funds for carrying out the purposes of the Federal Emergency Relief Act of 1933, approved May 12, 1933 (48 Stat. 55), and for continuing the Civil-Works program under the Federal Civil Works Administration as created under authority of title II of the National Industrial Recovery Act, approved June 16, 1933 (48 Stat. 200), there is hereby appropriated for these activities, out of any money in the Treasury not otherwise appropriated, to remain available until June 30, 1935, the sum of $950,000,000, which shall be available for expenditure for such projects and/or purposes and under such rules and regulations as the President in his discretion may prescribe: *Provided*, That nothing contained in the Federal Emergency Relief Act of 1933 shall be construed as precluding the Federal Emergency Relief Administrator from making grants for relief within a State directly to such public agency as he may designate: *Provided further*, That the provisions of the Act entitled "An Act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes", approved September 7, 1916 (U.S.C., title 5, sec. 785), as amended, are hereby extended, so far as they may be applicable, to employees of the Federal Civil Works Administration only for disability or death resulting from traumatic injury while in the performance of duty, subject, however, to the following conditions and limitations:

(a) that the aggregate monetary compensation in any individual case, except compensation for death or for permanent total disability, shall not exceed the sum of $4,000 and that the monthly monetary

[2] Functions of the Employees' Compensation Commission were transferred to the Federal Security Administrator, under authority of 1946 Reorganization Plan No. 2 (60 Stat. 1095). These functions were subsequently transferred from the Federal Security Administrator to the Secretary of Labor, under authority of 1950 Reorganization Plan No. 19 (64 Stat. 1271). Therefore, the words "Administrator", "Federal Security Administrator", "United States Employees' Compensation Commission", and "Commission", wherever appearing herein, should be read as "Secretary".

*See footnote No. 2.

compensation shall not in any event exceed [$100] *$150*, both exclusive of medical costs;

(b) that, in lieu of the minimum limit on monthly compensation for disability established by section 6 and the minimum limit on the monthly pay on which death compensation is to be computed as provided by section 10(K) of such Act, the monthly pay on the basis of which compensation for disability or death is computed shall be deemed to be not less than [$75] *$150* and compensation shall be payable on the basis of such pay regardless of the actual pay at the time of injury or death, except that the Federal Security Administrator [2] may from time to time, by regulation, fix a lower minimum monthly pay as a basis for computing such compensation as to any class of individuals, specified in the fourth paragraph of section 42 of such Act, as amended, who sustained injury or were killed outside the continental United States;

(c) that the Federal Security Administrator* may from time to time, subject to the above limitations, establish a special schedule of compensation for disability and for death (including a special schedule of compensation for the loss, or loss of use, of members or functions of the body), and compensation under such schedule shall be in lieu of all other compensation in such cases; (d) that the rights of any person employed by the Federal Civil Works Administration to compensation or other benefits which may have accrued prior to and including the date of approval of this Act under the provisions of the Act of September 7, 1916, as amended (U.S.C., title 5, chap. 15), and/or the rules and regulations of the Federal Civil Works Administration shall terminate upon the date of the approval of this Act; and thereafter compensation and other benefits to any such person for death or disability arising before or after the date of the approval of this Act shall be paid in accordance with the provisions hereof; (e) that the said Commission* is hereby authorized in its discretion to provide for the initial payments of compensation and the furnishing of immediate medical attention as herein provided through the local representatives of the Federal Civil Works Administration; (f) that no claim for legal services or for any other services rendered in respect of a claim or award for compensation, to or on account of any person, shall be valid unless approved by the Commission*; and any person who receives any fee, other consideration, or any gratuity on account of services so rendered, unless such consideration or gratuity is approved by the Commission*, or, who makes it a business to solicit employment for a lawyer or for himself in respect of any claim or award for compensation, shall be guilty of a misdemeanor, and upon conviction thereof, shall, for each offense, be punished by a fine of not more than $1,000 or by imprisonment not to exceed one year, or by both such fine and imprisonment: *Provided further,* That traumatic injury shall mean only injury by accident causing damage or harm to the physical structure of the body and shall not include a disease in any form except as it shall naturally result from the injury: *And provided further,* That so much of the sum appropriated by this Act as the United States Employees' Compensation Commission*, with the approval of the Director of the Budget, estimates and certifies to the Secretary of the Treasury

*See footnote No. 2.

will be necessary for administrative expenses and for the payment of such compensation shall be set aside in a special fund to be administered by the Commission* for such purposes; and after June 30, 1935, such special fund shall be available for these purposes annually in such amounts as may be specified therefor in the annual appropriation acts: *Provided further*, That no part of the appropriation herein made shall be allotted for expenditure for any Civil Works project under any other department or establishment of the Federal Government except for the completion of projects for the improvement of Federal lands or public property in progress and uncompleted on the date of the approval of this Act, and except such sums as may be necessary for maintenance and operation of reemployment agencies, and medical, surgical, and hospital services, and for administration, supervision, inspection, disbursing, and accounting purposes, and printing and binding, in connection with State and/or local Civil Works projects: *Provided further*, That section 3709 of the Revised Statutes (U.S.C., title 41, sec. 5) shall not be construed to apply to any purchase or service rendered for the Federal Civil Works Administration when the aggregate amount involved does not exceed the sum of $300.

○

Calendar No. 1995

86TH CONGRESS
2D SESSION

H. R. 12383

[Report No. 1924]

IN THE SENATE OF THE UNITED STATES

JUNE 30, 1960

Read twice and referred to the Committee on Labor and Public Welfare

AUGUST 27 (legislative day, AUGUST 24), 1960

Reported by Mr. HILL, without amendment

AN ACT

To amend the Federal Employees' Compensation Act to make benefits more realistic in terms of present wage rates, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Employees' Compensation Act Amendments of 1960".

TITLE I—SUBSTANTIVE AMENDMENTS

Increase in Minimum Compensation for Total Disability, Attendants, Allowance, Maintenance While Undergoing Vocational Rehabilitation

SEC. 101. Section 6 of the Federal Employees' Compensation Act is amended by striking out "$75" in para-

graph (1) of subsection (b) and inserting in lieu thereof "$125"; by striking out "$50" in paragraph (2) of subsection (b) and inserting in lieu thereof "$100"; by striking out "$112.50" in subsection (c) and inserting in lieu thereof "$180".

Increase in Death Benefits

SEC. 102. Section 10(K) of the Federal Employees' Compensation Act is amended by striking out "$150" and inserting in lieu thereof "$240".

Increase in Burial Payments

SEC. 103. Section 11 of the Federal Employees' Compensation Act is amended by striking out "$400" and inserting in lieu thereof "$800".

Increase of Compensation Base Where Injury Occurred Before January 1, 1958

SEC. 104. Notwithstanding any other provision of this Act or the Federal Employees' Compensation Act, the monthly pay upon the basis of which compensation for disability or death is computed under the Federal Employees' Compensation Act shall be increased as follows: If such employee's injury (or injury causing death) occurred before January 1, 1958, but after December 31, 1950, such eligible employee's "monthly pay" shall be increased by 10 percent; if such employee's injury (or injury causing death) occurred before January 1, 1951, but after December 31,

1945, such eligible employee's "monthly pay" shall be increased by 20 percent; if such employee's injury (or injury causing death) occurred before January 1, 1946, such eligible employee's "monthly pay" shall be increased by 30 percent: *Provided,* That nothing in this or any other Act of Congress shall be construed to make the increase in the monthly pay provided by this section applicable to military personnel, or to any person or employee not within the definition of section 40(b) (1) or (2) of the Federal Employees' Compensation Act: *Provided further,* That this section shall not be construed to permit the amount of compensation on account of an employee's disability or death to be increased more than 10 percent if such injury (or injury causing death) occurred before January 1, 1958, but after December 31, 1950, nor more than 20 percent if such injury (or injury causing death) occurred before January 1, 1951, but after December 31, 1945, nor more than 30 percent if such injury (or injury causing death) occurred prior to January 1, 1946.

Liberalization of Minimum and Maximum Compensation for Emergency Relief Workers

SEC. 105. The second proviso of the first section of the Act approved February 15, 1934 (5 U.S.C. 796) is amended by striking out "$100" in clause (a) and inserting

in lieu thereof "$150"; and by striking out "$75" in clause (b) and inserting in lieu thereof "$150".

TITLE II—TECHNICAL AMENDMENTS

Clarification of Scheduled Awards

SEC. 201. The first sentence of section 5(a) of the Federal Employees' Compensation Act is amended by inserting after "body," the following: "regardless of whether the cause of such disability originates in a part of the body other than such member,".

Eligibility For or Receipt of Benefits Earned Under Civil Service Retirement Act Not To Preclude Payment of Compensation for Scheduled Losses, Election by Claimants Eligible to Receive Veterans' Benefits for Same Disability or Death

SEC. 202. Section 7(a) of the Federal Employees' Compensation Act is amended to read as follows:

"SEC. 7. (a) That as long as the employee is in receipt of compensation under this Act, or, if he has been paid a lump sum in commutation of installment payments, until the expiration of the period during which such installment payments would have continued, he shall not receive from the United States any salary, pay, or remuneration whatsoever except in return for services actually performed, and except pensions for service in the Army or Navy of the United States: *Provided,* That eligibility for or receipt of

benefits under the Civil Service Retirement Act shall in no way impair the employee's right to receive compensation for scheduled disabilities specified in section 5(a) of this Act: *Provided further*, That whenever any person is entitled to receive any benefits under this Act by reason of his injury, or by reason of the death of an employee, as defined in section 40, and is also entitled to receive from the United States any payments or benefits (other than the proceeds of any insurance policy), by reason of such injury or death under any other Act of Congress, because of service by him (or in the case of death, by the deceased) as an employee, as so defined, or because of service by him (or in the case of death, by the deceased) in the Armed Forces of the United States, such person shall elect which benefits he shall receive. Such election shall be made within one year after the injury or death, or such further time as the Administrator may for good cause allow, and when made shall be irrevocable unless otherwise provided by law."

Medical Care to Claimants Receiving Civil Service Annuity

SEC. 203. The first sentence of section 9(a) of the Federal Employees' Compensation Act is amended by inserting after "arisen," the following: "and notwithstanding that the employee has accepted or is entitled to receive benefits under the Civil Service Retirement Act,".

Considerations in Computation of Wage-Earning Capacity

SEC. 204. Section 13 (b) of the Federal Employees' Compensation Act is amended by striking out all that follows "his usual employment," and inserting in lieu of such matter stricken out the following: "his age, his qualifications for other employment, the availability of suitable employment, and any other factors or circumstances in the case which may affect his capacity to earn wages in his disabled condition."

Notice of Injury and Claim for Compensation in Cases of Latent Disability

SEC. 205. Section 20 of the Federal Employees' Compensation Act is amended by inserting immediately after the first sentence thereof the following: "In cases of latent disability due to radiation or other causes, the time for filing claim shall not begin to run until the employee has a compensable disability and is aware, or by the exercise of reasonable diligence should have been aware of the causal relationship of the compensable disability to his employment: *Provided,* That the time for giving notice of injury in such cases shall begin to run as soon as the employee is aware, or in the exercise of reasonable diligence should have been aware, that his condition is causally related to his employment, regardless of whether or not there is a compensable disability."

Report of Injuries

SEC. 206. Section 24 of the Federal Employees' Compensation Act is amended by inserting "(a)" after "SEC. 24." and by adding at the end thereof the following:

"(b) Whoever, being an officer or employee of the United States charged with the responsibility for making the reports specified in subsection (a), willfully fails, neglects, or refuses to make any such report or knowingly files a false report, or induces, compels, or directs an injured employee to forego filing of any claim for compensation or other benefits provided under this Act or any extension or application thereof, or willfully retains any notice, report, claim, or paper which is required to be filed under this Act or any extension or application thereof, or regulations promulgated thereunder shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than $500 or imprisoned not more than one year, or both."

Government Employees Required To Appear as Parties or Witnesses in the Prosecution of Third-Party Claims

SEC. 207. The first paragraph of section 26 of the Federal Employees' Compensation Act is amended by adding at the end thereof the following: "Any employee who is required to appear as a party or witness in the prosecution of said action is, while so engaged, in an active duty status."

Additional Method for Computing Compensation in Certain Cases

SEC. 208. Section 40(f) of the Federal Employees' Compensation Act is amended to read as follows:

"(f) The term 'monthly pay' shall be taken to refer to the monthly pay at the time of the injury, or the monthly pay at the time disability begins, or the monthly pay at the time compensable disability recurs, if such recurrence begins more than six months after the injured employee resumes regular full-time employment with the United States, whichever is greater, except when otherwise determined under section 6(d) with respect to any period."

Reimbursement of Compensation Costs by Federal Agencies

SEC. 209. Section 35 of the Federal Employees' Compensation Act is amended to read as follows:

"Employees' Compensation Fund

"SEC. 35. (a) There is established in the Treasury a separate fund to be known as the Employees' Compensation Fund which shall consist of such sums as Congress may from time to time appropriate therefor or transfer thereto and amounts otherwise accruing thereto under this or any other Act of Congress. Such fund including all additions that may be made to it shall be available without time limit for the payment of the compensation and other benefits and expenses (except administrative expenses) authorized by this Act or

any extension or application thereof except as may be provided by this or other Acts. The Secretary of Labor shall submit annually to the Bureau of the Budget estimates of appropriations necessary for the maintenance of the Employees' Compensation Fund.

"(b) The Secretary of Labor shall, prior to August 15 of each year, furnish to each executive department and each agency or instrumentality of the United States or other establishment, having employees who are or may be entitled to compensation benefits under this Act or any extension or application thereof (hereinafter called 'agency'), a statement showing the total cost of benefits and other payments made from the Employees' Compensation Fund during the preceding fiscal year on account of the injury or death of employees or persons under the jurisdiction of such agency occurring after December 1, 1960. Each agency shall include in its annual budget estimates for the next fiscal year a request for an appropriation in an amount equal to such costs. Sums appropriated pursuant to such request shall, within thirty days after they become available, be deposited in the Treasury to the credit of the Employees' Compensation Fund. In the case of any corporation or other agency which is not dependent upon an annual appropriation, the deposit to the credit of the Employees' Compensation Fund required by this subsection shall be made by such

agency from funds under its control. If any agency or part thereof or any of its functions is transferred to another agency, the cost of compensation benefits and other expenses paid from the Employees' Compensation Fund on account of the injury or death of employees of the transferred agency or function shall be included in costs of the receiving agency.

"(c) In addition to the contributions for the maintenance of the Employees' Compensation Fund required by this section, any mixed ownership corporation as defined in section 201 of the Government Corporation Control Act (31 U.S.C. 856), or any corporation or agency (or activity thereof) which is required by law to submit an annual budget pursuant to, or as provided by, the Government Corporation Control Act (31 U.S.C. 841–869), shall pay an additional amount for its fair share of the cost of administration of this Act as determined by the Secretary of Labor. With respect to said agencies, the charges billed by the Secretary of Labor pursuant to this section shall include an additional amount for such costs, which shall be paid into the Treasury as miscellaneous receipts from the sources authorized, and in the manner otherwise provided in this section."

Effective Date

SEC. 210. Section 42 of the Federal Employees' Compensation Act is amended by striking out the last sentence of the fourth paragraph thereof.

SEC. 211. (a) Except as otherwise provided by this section or in this Act, titles I and II of this Act shall take effect on the date of enactment of this Act and be applicable to any injury or death occurring after such date.

(b) The amendments made by sections 101, 102, 201, 203, 204, 208, and 210 of this Act to sections 5(a), 6(b)(1), 6(b)(2), 6(c), 9(a), 10(k), 13(b), 40(f), and 42 of the Federal Employees' Compensation Act shall be applicable to cases of injury or death occurring before the date of enactment of this Act only with respect to any period beginning on or after the first day of the first calendar month following the date of enactment of this Act.

(c) The amendments made by sections 104 and 105 of this Act shall be applicable to cases of injury or death occurring before enactment of this Act only with respect to any period beginning on or after the first day of the first calendar month following the date of enactment of this Act.

(d) The amendment made by section 202 of this Act

to section 7(a) of the Federal Employees' Compensation Act permitting the payment of compensation for scheduled permanent disabilities in addition to benefits under the Civil Service Retirement Act shall be applicable to any injury which occurred within three years prior to the date of enactment of this Act as well as to any injury occurring on or after the date of enactment of this Act.

(e) The amendment made by section 202 of this Act to section 7(a) of the Federal Employees' Compensation Act requiring an election of benefits in any case in which a claimant for compensation is also eligible to receive certain payments or benefits from the United States for the same disability or death shall be applicable to any injury or death occurring before, on, or after the date of enactment of this Act but shall not deprive any person of any benefits awarded prior to the date of enactment of this Act.

Passed the House of Representatives June 29, 1960.

Attest: RALPH R. ROBERTS,

Clerk.

Calendar No. 1995

86TH CONGRESS
2D SESSION

H. R. 12383

[Report No. 1924]

AN ACT

To amend the Federal Employees' Compensation Act to make benefits more realistic in terms of present wage rates, and for other purposes.

JUNE 30, 1960

Read twice and referred to the Committee on Labor and Public Welfare

AUGUST 27 (legislative day, AUGUST 24), 1960

Reported without amendment

AN ACT

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE

(For Department Staff Only)

Issued September 1, 1960
For actions of August 31, 1960
86-2nd, No. 147

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HIGHLIGHTS: Both Houses agreed to conference report on supplemental appropriation bill. House passed bill to increase price supports on milk and butterfat. Both Houses passed bill authorizing foreign aid for Latin America.

*SENATE

1. FARM PROGRAM. Sen. Young, Ohio, criticized the administration's farm-program record and spoke in favor of a food-for-peace program. pp. 17217-8

   Sen. Proxmire inserted and commended a speech by Norman Clapp on the farm problem. pp. 17247-8

   Sen. Javits spoke in favor of flexible price supports, additional research, and use of surpluses in foreign aid. pp. 17307-8

   Sen. Symington and others commended Sen. Kerr's book, "Land, Wood, and Water." pp. 17218-9

2. FARM LABOR. Sen. Javits submitted an amendment which he intended to propose to H. R. 12759, the Mexican farm labor bill. pp. 17200-1

3. FARM LOANS. Sen. Allott spoke in favor of codifying and simplifying Farmers' Home Administration legislation. p. 17206

   Sen. Sparkman spoke in favor of a national mortgage market and inserted a speech by Dr. Kurt Flexner on this subject. pp. 17212-3

4. FOREST FIRES. Sen. Mansfield spoke on the forest-fire problem and said the Budget Bureau is willing "to spend millions to put the fires out...while it cuts budget requests to strengthen fire prevention." pp. 17207-8

5. PERSONNEL. Passed without amendment H. R. 7810, to credit periods of internment during World War II to certain Federal employees of Japanese ancestry for purposes of the Civil Service Retirement Act and the Annual and Sick Leave Act. The bill had been reported without amendment earlier in the day by the Post Office and Civil Service Committee (S. Rept. 1936). This bill will now be sent to the President. pp. 17189, 17308

Sen. Byrd, Va., inserted the report of the Joint Committee on Reduction of Nonessential Federal Expenditures on personnel and pay for June and July 1960. pp. 17189-93

Passed without amendment H. R. 12458, to increase from $225,000 to $300,000 annually the authorization for appropriations to the President's Committee on Employment of the Physically Handicapped. This bill will now be sent to the President. pp. 17299-300

Passed without amendment H. R. 12383, to amend the Federal Employees Compensation Act so as to increase various benefits in view of the increase in the cost of living, etc. This bill will now be sent to the President. p. 17235

6. APPROPRIATIONS. Sen. Johnson inserted a table showing the appropriations for the current session compared with the budget estimates. p. 17325

7. LABOR STANDARDS. Sen. Kennedy and others discussed the conferees' deadlock on H. R. 12677, to increase the coverage of the Fair Labor Standards Act and increase the minimum wage. pp. 17269-83

8. ACREAGE ALLOTMENTS. Agreed to the House amendment to S. 3533, to protect farm and ranch operators making certain land-use changes under the Great Plains conservation program or the conservation reserve program against loss of acreage allotments. The House amendment was to add the provision regarding the conservation reserve program. This bill will now be sent to the President. pp. 17298-9

9. HEALTH RESEARCH. Passed without amendment H. R. 10341, to authorize grants to public or non-profit institutions to strengthen their programs of research and research training in sciences related to health. This bill will now be sent to the President. p. 17300

10. EXTENSION WORK. Sen. Stennis spoke in favor of S. 3671, which would authorize State Extension Services to use GSA supply schedules and stores. pp. 17316-7

*HOUSE

11. SECOND SUPPLEMENTAL APPROPRIATION BILL, 1961. Both Houses agreed to the conference report on this bill, H. R. 13161, and acted on amendments in disagreement. This bill will now be sent to the President. (pp. 17332-50, 17288-94) As agreed to, the bill includes the following items: Provides $237,500 for the Foreign Agricultural Service for agricultural market development and trade support activities ($137,500 by direct appropriation and $100,000 by transfer from funds appropriated under Section 32 of the Act of August 24, 1935, as compared with the budget estimate of $330,000 and $170,000, respectively). Provides $650,000 (instead of $1,300,000 as proposed by the Senate) for the special foreign currency program for the purchase of rupees to enable U. S.

Experts in foreign affairs and students of Soviet tactics have warned repeatedly about the need for increasing our knowledge about communism, its aims and objectives. In a very real and concrete sense, we must know the enemy and what he is up to. Enactment of S. 1689 would contribute significantly to the great effort which must be mounted in this field.

The organization and structure of the proposed Freedom Commission was given much careful study. The Commission is to be a seven-member independent agency with two fundamental objectives. The first, that of carrying out research to develop and synthesize a systematic approach to the cold war operations of the Soviet-Sino bloc. The second objective of the Commission would be to train Government personnel to deal effectively with the Soviet challenge.

The work of the Commission's Freedom Academy will supplement and build upon the activities of the Foreign Service Institute, other similar governmental and military programs, and the academic offerings of our Nation's colleges and universities in subjects related to government, foreign affairs, and international economics. The curriculum would be oriented to the needs of both American students and to students from other free world countries studying the United States.

I cannot let this occasion go by without paying tribute to the many dedicated Members of this body who have strongly supported and worked for this measure. Among those most deserving of commendation are the distinguished senior Senator from Illinois, Mr. DOUGLAS, the senior Senator from South Dakota, Mr. MUNDT, the senior Senator from New Jersey, Mr. CASE who cosponsored the original bill and, of course, the junior Senator from Connecticut, Mr. DODD, who yesterday addressed the Senate on this subject.

The hard work and careful planning which have gone into this measure have indeed been warranted. Mr. President, S. 1689 should be passed by the Senate and cleared for signature before we adjourn. It is a long and important step in America's cold war offensive efforts.

The PRESIDING OFFICER. All remaining time has been yielded back.

The question is on the engrossment and third reading of the bill.

The bill (S. 1689) was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. JOHNSON of Texas. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. DIRKSEN. Mr. President, I move to lay on the table the motion to reconsider.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

AMENDMENT OF FEDERAL EMPLOYEES COMPENSATION ACT

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1995, House bill 12383, to amend the Federal Employees Compensation Act to make benefits more realistic in terms of present wage rates, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the bill.

Mr. JOHNSON of Texas. Mr. President, the primary purpose of H.R. 12383 is to correct inequities that exist with respect to benefits paid to employees of the Federal Government, other than military personnel, who are injured in the performance of their duties and the dependents of those who died as a result of such injuries. The Federal Employees' Compensation Act has not been amended since 1949, and, as a result, the compensation paid to employees who were injured prior to 1946 is much less than the compensation for disability or death computed on the basis of present day Federal pay scales. At the same time the rise in the cost of living has created a further inequity.

Mr. President, I think this is a good bill and will be good legislation. The House has carefully considered it, and has passed it.

The cost of the bill is estimated to be $4 million a year. The bill has the approval of the Department of Labor, and has been unanimously reported by the Committee on Labor and Public Welfare.

Mr. DIRKSEN. Mr. President, will the majority leader yield to me?

Mr. JOHNSON of Texas. I yield.

Mr. DIRKSEN. Mr. President, I have discussed this bill with the distinguished Secretary of Labor on several occasions within the last few days. He is deeply anxious that this inequity be cured; and he does advocate and urge that the bill be acted on at this session of Congress.

The PRESIDING OFFICER. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill (H.R. 12383) was ordered to a third reading, read the third time, and passed.

PRINTING OF LEGISLATIVE HISTORY OF COMMITTEE ON FOREIGN RELATIONS

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar 2001, Senate Resolution 360, authorizing the printing of the "Legislative History of the Committee on Foreign Relations, U.S. Senate, 86th Congress," as a Senate document.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question now is on agreeing to the resolution.

The resolution was agreed to, as follows:

Resolved, That the "Legislative History of the Committee on Foreign Relations, United States Senate, Eighty-sixth Congress" be printed as a Senate document, and that two thousand additional copies be printed for the use of the Committee on Foreign Relations.

Mr. JOHNSON of Texas. Mr. President, I move that the vote by which the resolution was agreed to be reconsidered.

Mr. MANSFIELD. Mr. President, I move to lay on the table the motion to reconsider.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

PRINTING OF "STRENGTHENING FREE WORLD SECURITY" AS A SENATE DOCUMENT

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 2002, Senate Resolution 362, to print "Strengthening Free World Security" as a Senate document.

The motion was agreed to; and the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 362) was agreed to, as follows:

Resolved, That the committee print entitled "Strengthening Free World Security", prepared by the Foreign Affairs Division of the Legislative Reference Service of the Library of Congress, be printed as a Senate document, and that nine thousand five hundred additional copies by printed for the use of the Committee on Foreign Relations.

PRINTING OF ADDITIONAL COPIES OF HEARINGS ON "U.S. FOREIGN POLICY"

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 2003, Senate Resolution 363, to print additional copies of certain hearings on "U.S. Foreign Policy."

The motion was agreed to; and the Senate proceeded to consider the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 363) was agreed to, as follows:

Resolved, That there be printed for the use of the Committee on Foreign Relations five thousand additional copies of part 1 of the hearings entitled "United States Foreign Policy", held by that committee during the Eighty-sixth Congress, second session.

PRINTING OF ADDITIONAL HEARINGS RELATING TO COMPULSORY JURISDICTION OF THE INTERNATIONAL COURT OF JUSTICE

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 2004, Senate Concurrent Resolution 115, to print additional hearings on Senate Resolution 94, relating to the compulsory jurisdiction of the International Court of Justice.

The motion was agreed to; and the Senate proceeded to consider the concurrent resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The concurrent resolution (S. Con. Res. 115) was agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That two thou-

sand additional copies of the hearings on S. Res. 94, "A resolution to amend S. Res. 196, Seventy-ninth Congress, second session, relating to the recognition of the jurisdiction of the International Court of Justice in certain legal disputes," be printed for the use of the Committee on Foreign Relations.

PRINTING OF ADDITIONAL COPIES OF REPORT ENTITLED "THE INSURANCE INDUSTRY—AVIATION, OCEAN MARINE, AND STATE REGULATION"

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 2005, Senate Resolution 379.

The PRESIDING OFFICER. The resolution will be stated by title.

The LEGISLATIVE CLERK. A resolution (S. Res. 379) to authorize the printing of 2,000 additional copies of S. Rept. No. 1834, 86th Congress, entitled "The Insurance Industry—Aviation, Ocean Marine, and State Regulation."

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the resolution was considered and agreed to, as follows:

Resolved, That there be printed for the use of the Committee on the Judiciary two thousand additional copies of Senate Report Numbered 1834, Eighty-sixth Congress, second session, entitled "The Insurance Industry—Aviation, Ocean Marine, and State Regulation", a report issued by the Committee on the Judiciary and made by its Subcommittee on Antitrust and Monopoly pursuant to S. Res. 238, Eighty-sixth Congress.

ERECTION OF STATUE OF TARAS SHEVCHENKO

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 2006, House Joint Resolution 311.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The LEGISLATIVE CLERK. A joint resolution (H.J. Res. 311) authorizing the erection of a statue of Taras Shevchenko on public grounds in the District of Columbia.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the resolution was considered, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. JAVITS. Mr. President, I ask unanimous consent that I may have printed in the RECORD a statement on House Joint Resolution 311, which is similar to a bill which I introduced in the Senate to authorize an erection of a statue to Taras Shevchenko.

The PRESIDING OFFICER. Without objection, the statement will be printed.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR JAVITS

More than 100 years ago Taras Shevchenko hailed the first President of the United States, George Washington, and the new Republic, hoping for the day when the Ukraine will join the family of free nations.

Taras Shevchenko (1814–16) was without doubt one of the foremost Ukrainians of the modern period. His poetry has inspired the men and women of his period and later times with a renewed love of freedom and a consciousness of their identity and traditions as Ukrainians. It has been the medium through which the Ukrainians, in his day a downtrodden mass of serfs on the lands of their Russian and Polish masters, have become a self-conscious group of patriotic citizens, willing to risk their lives and fortunes in pursuit of their national independence. More than that, Shevchenko's poetry has taught them the need for human brotherhood and provided them with ideals of Ukrainian participation in the great company of free nations.

The centenary of Shevchenko's death will serve to remind his countrymen now behind the Iron Curtain of their heritage and ideals of liberty and independence. The statue to be erected in his honor in 1961 will serve notice to his countrymen that they are not forgotten by the free world.

MEMORIAL TO GEN. JOHN J. PERSHING

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 2007, Senate bill 3901.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 3901) to authorize the erection of a memorial in the District of Columbia to Gen. John J. Pershing.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the resolution was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the American Battle Monuments Commission is authorized to provide for the erection of a memorial to the late John J. Pershing, general of the armies of the United States, such memorial to be erected (1) in accordance with the plans and design submitted by the American Battle Monuments Commission to the Congress pursuant to Public Law 461, Eighty-fourth Congress (70 Stat. 84), and (2) on that parcel of federally owned land in the northwest section of the District of Columbia bounded on the north by Pennsylvania Avenue; on the south by E Street; on the west by Fifteenth Street; and on the east by Fourteenth Street.

(b) The authority granted by subsection (a) of this section shall cease to exist unless within five years after the date of enactment of this Act (1) the erection of the memorial is begun, and (2) the Commission determines that sufficient funds are available for completing the memorial.

SEC. 2. The maintenance and care of the memorial herein authorized to be erected shall, upon completion, be the responsibility of the Secretary of the Interior.

SEC. 3. The Commission may accept from any source, public or private, money or other property for use in carrying out its functions under this Act; and is authorized to cooperate with interested public and private organizations in carrying out such functions.

MARY E. PASCO

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 2008, Senate Resolution 381.

The PRESIDING OFFICER. The resolution will be stated by title.

The LEGISLATIVE CLERK. A resolution (S. Res. 381) to pay a gratuity to Mary E. Pasco.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the Senate proceeded to consider the resolution.

Mr. LAUSCHE. Mr. President, may I inquire the nature of the resolution?

Mr. JOHNSON of Texas. This is a routine resolution we always adopt. It involves the payment of 6 months' compensation to the widow of an employee of the Senate.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Mary E. Pasco, widow of John Pasco, an employee of the Architect of the Capitol assigned to duty in the Senate Office Buildings at the time of his death, a sum equal to 6 months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

ELECTION OF MEMBER TO THE JOINT COMMITTEE ON PRINTING AND THE JOINT COMMITTEE ON THE LIBRARY

Mr. JOHNSON of Texas. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 2009, Senate Resolution 380.

The PRESIDING OFFICER. The resolution will be stated by title.

The LEGISLATIVE CLERK. A resolution (S. Res. 380) electing a member on the part of the Senate to the Joint Committee on Printing and the Joint Committee on the Library.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Texas.

The motion was agreed to; and the resolution was considered and agreed to, as follows:

Resolved, That Mr. MARTIN be, and he is hereby, elected a member on the part of the Senate of the Joint Committee on Printing and the Joint Committee on the Library.

MOTION TO TABLE RECONSIDERATION OF CERTAIN RESOLUTIONS

Mr. JOHNSON of Texas. Mr. President, I move that the votes by which the Senate acted on the measures beginning with Calendar No. 2001, Senate Resolution 360, through Calendar No. 2009, Senate Resolution 380, be reconsidered.

Mr. DIRKSEN. Mr. President, I move to lay that motion on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Illinois to lay on the table the motion of the Senator from Texas to reconsider.

The motion to lay on the table was agreed to.

Public Law 86-767
86th Congress, H. R. 12383
September 13, 1960

AN ACT

74 STAT. 906.

To amend the Federal Employees' Compensation Act to make benefits more realistic in terms of present wage rates, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Employees' Compensation Act Amendments of 1960". Federal Employees Compensation Act Amendments of 1960.

TITLE I—SUBSTANTIVE AMENDMENTS

Increase in Minimum Compensation for Total Disability, Attendants, Allowance, Maintenance While Undergoing Vocational Rehabilitation

SEC. 101. Section 6 of the Federal Employees' Compensation Act is amended by striking out "$75" in paragraph (1) of subsection (b) and inserting in lieu thereof "$125"; by striking out "$50" in paragraph (2) of subsection (b) and inserting in lieu thereof "$100"; by striking out "$112.50" in subsection (c) and inserting in lieu thereof "$180". 63 Stat. 858. 5 USC 756.

Increase in Death Benefits

SEC. 102. Section 10(K) of the Federal Employees' Compensation Act is amended by striking out "$150" and inserting in lieu thereof "$240". 5 USC 760.

Increase in Burial Payments

SEC. 103. Section 11 of the Federal Employees' Compensation Act is amended by striking out "$400" and inserting in lieu thereof "$800". 5 USC 761.

Increase of Compensation Base Where Injury Occurred Before January 1, 1958

SEC. 104. Notwithstanding any other provision of this Act or the Federal Employees' Compensation Act, the monthly pay upon the basis of which compensation for disability or death is computed under the Federal Employees' Compensation Act shall be increased as follows: If such employee's injury (or injury causing death) occurred before January 1, 1958, but after December 31, 1950, such eligible employee's "monthly pay" shall be increased by 10 percent; if such employee's injury (or injury causing death) occurred before January 1, 1951, but after December 31, 1945, such eligible employee's "monthly pay" shall be increased by 20 percent; if such employee's injury (or injury causing death) occurred before January 1, 1946, such eligible employee's "monthly pay" shall be increased by 30 percent: *Provided*, That nothing in this or any other Act of Congress shall be construed to make the increase in the monthly pay provided by this section applicable to military personnel, or to any person or employee not within the definition of section 40(b) (1) or (2) of the Federal Employees' Compensation Act: *Provided further*, That this section shall not be construed to permit the amount of compensation on account of an employee's disability or death to be increased more than 10 percent if such injury (or injury causing death) occurred before January 1, 1958, but after December 31, 1950, nor more than 20 percent if such injury (or injury causing death) occurred before January 1, 1951, but after December 31, 1945, nor more than 30 percent if such injury (or injury causing death) occurred prior to January 1, 1946. 39 Stat. 742. 5 USC 751 note. 5 USC 790.

Liberalization of Minimum and Maximum Compensation for Emergency Relief Workers

48 Stat. 351; 63 Stat. 868.

SEC. 105. The second proviso of the first section of the Act approved February 15, 1934 (5 U.S.C. 796) is amended by striking out "$100" in clause (a) and inserting in lieu thereof "$150"; and by striking out "$75" in clause (b) and inserting in lieu thereof "$150".

TITLE II—TECHNICAL AMENDMENTS

Clarification of Scheduled Awards

5 USC 755.

SEC. 201. The first sentence of section 5(a) of the Federal Employees' Compensation Act is amended by inserting after "body," the following: "regardless of whether the cause of such disability originates in a part of the body other than such member,".

Eligibility For or Receipt of Benefits Earned Under Civil Service Retirement Act Not To Preclude Payment of Compensation for Scheduled Losses, Election by Claimants Eligible to Receive Veterans' Benefits for Same Disability or Death

5 USC 757.

SEC. 202. Section 7(a) of the Federal Employees' Compensation Act is amended to read as follows:

Restriction on other payments.

"SEC. 7. (a) That as long as the employee is in receipt of compensation under this Act, or, if he has been paid a lump sum in commutation of installment payments, until the expiration of the period during which such installment payments would have continued, he shall not receive from the United States any salary, pay, or remuneration whatsoever except in return for services actually performed, and except pensions for service in the Army or Navy of the United States: *Provided*, That eligibility for or receipt of benefits under the Civil Service Retirement Act shall in no way impair the employee's right to receive compensation for scheduled disabilities specified in section 5(a) of this Act: *Provided further*, That whenever any person is entitled to receive any benefits under this Act by reason of his injury, or by reason of the death of an employee, as defined in section 40, and is also entitled to receive from the United States any payments or benefits (other than the proceeds of any insurance policy), by reason of such injury or death under any other Act of Congress, because of service by him (or in the case of death, by the deceased) as an employee, as so defined, or because of service by him (or in the case of death, by the deceased) in the Armed Forces of the United States, such person shall elect which benefits he shall receive. Such election shall be made within one year after the injury or death, or such further time as the Administrator may for good cause allow, and when made shall be irrevocable unless otherwise provided by law."

Election of benefits.
5 USC 755.
5 USC 790.

Medical Care to Claimants Receiving Civil Service Annuity

5 USC 759.

SEC. 203. The first sentence of section 9(a) of the Federal Employees' Compensation Act is amended by inserting after "arisen," the following: "and notwithstanding that the employee has accepted or is entitled to receive benefits under the Civil Service Retirement Act,".

Considerations in Computation of Wage-Earning Capacity

SEC. 204. Section 13(b) of the Federal Employees' Compensation Act is amended by striking out all that follows "his usual employment," and inserting in lieu of such matter stricken out the following: "his age, his qualifications for other employment, the availability of suitable employment, and any other factors or circumstances in the case which may affect his capacity to earn wages in his disabled condition." 5 USC 763.

Notice of Injury and Claim for Compensation in Cases of Latent Disability

SEC. 205. Section 20 of the Federal Employees' Compensation Act is amended by inserting immediately after the first sentence thereof the following: "In cases of latent disability due to radiation or other causes, the time for filing claim shall not begin to run until the employee has a compensable disability and is aware, or by the exercise of reasonable diligence should have been aware of the causal relationship of the compensable disability to his employment: *Provided*, That the time for giving notice of injury in such cases shall begin to run as soon as the employee is aware, or in the exercise of reasonable diligence should have been aware, that his condition is causally related to his employment, regardless of whether or not there is a compensable disability." 5 USC 770.

Report of Injuries

SEC. 206. Section 24 of the Federal Employees' Compensation Act is amended by inserting "(a)" after "SEC. 24." and by adding at the end thereof the following: 5 USC 774.

"(b) Whoever, being an officer or employee of the United States charged with the responsibility for making the reports specified in subsection (a), willfully fails, neglects, or refuses to make any such report or knowingly files a false report, or induces, compels, or directs an injured employee to forego filing of any claim for compensation or other benefits provided under this Act or any extension or application thereof, or willfully retains any notice, report, claim, or paper which is required to be filed under this Act or any extension or application thereof, or regulations promulgated thereunder shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than $500 or imprisoned not more than one year, or both."

Government Employees Required To Appear as Parties or Witnesses in the Prosecution of Third-Party Claims

SEC. 207. The first paragraph of section 26 of the Federal Employees' Compensation Act is amended by adding at the end thereof the following: "Any employee who is required to appear as a party or witness in the prosecution of said action is, while so engaged, in an active duty status." 5 USC 776.

Additional Method for Computing Compensation in Certain Cases

SEC. 208. Section 40(f) of the Federal Employees' Compensation Act is amended to read as follows: 5 USC 790.

"(f) The term 'monthly pay' shall be taken to refer to the monthly pay at the time of the injury, or the monthly pay at the time disability begins, or the monthly pay at the time compensable disability recurs,

if such recurrence begins more than six months after the injured employee resumes regular full-time employment with the United States, whichever is greater, except when otherwise determined under section 6(d) with respect to any period."

5 USC 756.

Reimbursement of Compensation Costs by Federal Agencies

5 USC 785.

SEC. 209. Section 35 of the Federal Employees' Compensation Act is amended to read as follows:

"Employees' Compensation Fund

"SEC. 35. (a) There is established in the Treasury a separate fund to be known as the Employees' Compensation Fund which shall consist of such sums as Congress may from time to time appropriate therefor or transfer thereto and amounts otherwise accruing thereto under this or any other Act of Congress. Such fund including all additions that may be made to it shall be available without time limit for the payment of the compensation and other benefits and expenses (except administrative expenses) authorized by this Act or any extension or application thereof except as may be provided by this or other Acts. The Secretary of Labor shall submit annually to the Bureau of the Budget estimates of appropriations necessary for the maintenance of the Employees' Compensation Fund.

Statement of costs.

"(b) The Secretary of Labor shall, prior to August 15 of each year, furnish to each executive department and each agency or instrumentality of the United States or other establishment, having employees who are or may be entitled to compensation benefits under this Act or any extension or application thereof (hereinafter called 'agency'), a statement showing the total cost of benefits and other payments made from the Employees' Compensation Fund during the preceding fiscal year on account of the injury or death of employees or persons under the jurisdiction of such agency occurring after December 1, 1960. Each agency shall include in its annual budget estimates for the next fiscal year a request for an appropriation in an amount equal to such costs. Sums appropriated pursuant to such request shall, within thirty days after they become available, be deposited in the Treasury to the credit of the Employees' Compensation Fund. In the case of any corporation or other agency which is not dependent upon an annual appropriation, the deposit to the credit of the Employees' Compensation Fund required by this subsection shall be made by such agency from funds under its control. If any agency or part thereof or any of its functions is transferred to another agency, the cost of compensation benefits and other expenses paid from the Employees' Compensation Fund on account of the injury or death of employees of the transferred agency or function shall be included in costs of the receiving agency.

Budget estimates.

Government corporations. Contributions.

59 Stat. 600.

"(c) In addition to the contributions for the maintenance of the Employees' Compensation Fund required by this section, any mixed ownership corporation as defined in section 201 of the Government Corporation Control Act (31 U.S.C. 856), or any corporation or agency (or activity thereof) which is required by law to submit an annual budget pursuant to, or as provided by, the Government Corporation Control Act (31 U.S.C. 841–869), shall pay an additional amount for its fair share of the cost of administration of this Act as determined by the Secretary of Labor. With respect to said agencies, the charges billed by the Secretary of Labor pursuant to this section shall include an additional amount for such costs, which shall be paid into the Treasury as miscellaneous receipts from the sources authorized, and in the manner otherwise provided in this section."

Effective Date

SEC. 210. Section 42 of the Federal Employees' Compensation Act is amended by striking out the last sentence of the fourth paragraph thereof. 5 USC 793.

SEC. 211. (a) Except as otherwise provided by this section or in this Act, titles I and II of this Act shall take effect on the date of enactment of this Act and be applicable to any injury or death occurring after such date.

(b) The amendments made by sections 101, 102, 201, 203, 204, 208, and 210 of this Act to sections 5(a), 6(b)(1), 6(b)(2), 6(c), 9(a), 10(k), 13(b), 40(f), and 42 of the Federal Employees' Compensation Act shall be applicable to cases of injury or death occurring before the date of enactment of this Act only with respect to any period beginning on or after the first day of the first calendar month following the date of enactment of this Act.

(c) The amendments made by sections 104 and 105 of this Act shall be applicable to cases of injury or death occurring before enactment of this Act only with respect to any period beginning on or after the first day of the first calendar month following the date of enactment of this Act.

(d) The amendment made by section 202 of this Act to section 7(a) of the Federal Employees' Compensation Act permitting the payment of compensation for scheduled permanent disabilities in addition to benefits under the Civil Service Retirement Act shall be applicable to any injury which occurred within three years prior to the date of enactment of this Act as well as to any injury occurring on or after the date of enactment of this Act.

(e) The amendment made by section 202 of this Act to section 7(a) of the Federal Employees' Compensation Act requiring an election of benefits in any case in which a claimant for compensation is also eligible to receive certain payments or benefits from the United States for the same disability or death shall be applicable to any injury or death occurring before, on, or after the date of enactment of this Act but shall not deprive any person of any benefits awarded prior to the date of enactment of this Act.

Approved September 13, 1960.

GPO 57139